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JOUR L

OF THE

HOUSE OF REPRESENTATIVES

OF THE STATE OF INDIANA,

DURING THE

THIRTY-FIRST SESSION

OF THE

GENERAL ASSEMBLY.

INDIANAPOLIS:
J. P. CHAPMAN, STATE PRINTER.
1846.

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE STATE OF INDIANA,

During the Thirty-First Session of the General Assembly, begun and held in the Capitol, in the Town of Indianapolis, on Monday, the seventh day of December, in the year of Our Lord one thousand eight hundred and forty-six, being the day fixed by the Constitution of the State for the meeting of the same.

See Page 110

The House having been called to order by Francis M. Williams, Assistant Clerk to the last House of Representatives, the following members produced their credentials, were sworn into office by the Honorable James Lockhart, President Judge of the 4th Judicial Circuit of the State of Indiana, and took their seats, viz:

From the counties of Adams and Wells—John S. Deam.

From the county of Allen—Christian Parker.

From the county of Bartholomew—Ephraim Arnold.

From the county of Boone—Stephen Neal.

From the county of Brown—William M. Mason.

From the counties of Blackford and Jay—William F. Jones.

From the counties of Benton, Pulaski, Jasper, and White—Samuel Decker.

From the county of Carroll—A. G. Hanna.

From the county of Clark—John D. Ferguson and Thomas Carr.

From the county of Clay—John Lewis.

From the counties of Cass and Richardville—William S. Palmer and Hervey Brown.

From the counties of Clinton and Tipton—James F. Suit.

From the counties of Crawford and Orange—S. S. Monk and David F. Huffstetter.

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From the counties of Daviess and Martin—Z. Walker.
From the county of Dearborn—A. G. Tebbs and John D. Johnson.
From the county of Decatur—P. Hamilton.
From the counties of DeKalb and Steuben—George W. Balding.
From the county of Delaware—John Trimble.
From the county of Dubois—G. W. Lemmonds.
From the county of Elkhart—Asa A. Norton.
From the county of Fayette—William Stewart.
From the county of Floyd—J. Anthony.
From the county of Fountain—George May.
From the county of Franklin—E. D. Crookshank and Spencer Wiley.
From the counties of Fulton, Marshall, and Stark—James O. Parks.
From the county of Gibson—Smith Miller.
From the county of Grant—Andrew J. Harlan.
From the county of Greene—John Jones.
From the county of Hamilton—Jesse Lutz.
From the county of Hancock—A. F. Hatfield.
From the county of Harrison—William A. Porter.
From the county of Hendricks—J. S. Harvey.
From the county of Henry—John Powell and Simon Summers.
From the counties of Huntington and Whitley—James Gilleece.
From the county of Jackson—Mede W. Shields.
From the county of Jefferson—Thomas Wise, William Hendricks, jr., and F. Hull.
From the county of Jennings—Allen Hill.
From the county of Johnson—G. Hicks.
From the county of Knox—R. N. Carnan.
From the county of Kosciusko—S. H. Colms.
From the county of Lagrange—John Y. Clark.
From the counties of Lake and Porter—Harvey E. Woodruff.
From the county of Laporte—Samuel Stewart and F. W. Hunt.
From the county of Lawrence—George W. Carr.
From the county of Madison—William Young.
From the county of Marion—S. V. B. Noel, W. M. Moore, and Samuel Harding.
From the county of Miami—G. W. Holman.
From the county of Monroe—John S. Watts.
From the county of Montgomery—Francis H. Fry and Sherman Hostetter.
From the county of Morgan—Isaac W. Tackett.
From the county of Noble—Thomas H. Wilson.
From the counties of Ohio and Switzerland—John Tait, jr.
From the county of Owen—James W. Dobson.
From the county of Parke—James Kerr and Wm. R. Nofsinger.
From the county of Perry—George Burton Thompson.

From the county of Pike—Robert Logan.
From the county of Posey—John Hall and Magnus T. Carnahan.
From the county of Putnam—Henry Secrest and D. Scott.
From the county of Randolph—James Griffis.
From the county of Ripley—James H. Cravens.
From the county of Rush—William Thomas and J. Huddleston.
From the county of Scott—H. N. Holland.
From the county of Shelby—James M. Sleeth.
From the county of Spencer—Wilson Huff.
From the county of St. Joseph—Thomas S. Stanfield.
From the county of Sullivan—Benj. Wolfe and Silas Osborn.
From the county of Tippecanoe—Phillip McCormack and Thomas Smiley.
From the county of Union—John Yaryan.
From the county of Vermillion—William P. Dole.
From the county of Vigo—John Dowling and William K. Edwards.
From the county of Wabash—J. D. Cassatt.
From the county of Warren—Colbrath Hall.
From the county of Warrick—Isham Fuller.
From the county of Washington—Cyrus L. Dunham and Thomas Green.
From the county of Wayne—J. B. Julian, Solomon Meredith, W. S. Addleman, and Robert Gordon.

Charles I. Battell of *Vanderburgh*, and Samuel Jenison of *Hamilton*, did not appear and produce their credentials, preparatory to taking their seats as members of the present General Assembly.

The House then proceeded to the election of a Speaker. On counting the first ballot, it appeared that

Robert N. Carnan received - - - - - -	54 votes.
James H. Cravens received - - - - - -	21 votes.
Thomas S. Stanfield received - - - - -	5 votes.
Scattering - - - - - - - - -	14 votes.

R. N. Carnan having received a majority of all the votes given, was declared Speaker of the House of Representatives during the present session, and was conducted to the Chair by Messrs. Dole and Fuller; and in a brief address returned his thanks to the House for the honor conferred upon him, and solicited their united co-operation in the work of legislation.

On motion by Mr. Thompson,

The House then proceeded to the election of a Principal Clerk, Messrs. Miller and Stewart of Fayette, acting as tellers. On counting the first ballot, it appeared that

John H. Farquhar received - - - - -	18 votes.
M. Selden Ward received - - - - -	21 votes.
Lewis Bollman received - - - - - -	11 votes.
Mr. King received - - - - - - -	10 votes.
Mr. Long received - - - - - - -	10 votes.
Mr. Wallace received - - - - - -	18 votes.
Mr. Unthank received - - - - - -	2 votes.
Blank, - - - - - - - - - -	6 votes.

No person having received a majority of all the votes given, the House then proceeded to a second balloting for the same. On counting the votes,

M. Selden Ward received - - - - -	33 votes.
John H. Farquhar received - - - - -	16 votes.
Lewis Bollman received - - - - - -	12 votes.
Mr. Long received - - - - - - -	7 votes.
Mr. King received - - - - - - -	11 votes.
Blank, - - - - - - - - - -	1 vote.

No person having received a majority of all the votes given, the House then proceeded to a third balloting for the same. On counting the votes, it appeared that

M. Selden Ward received - - - - -	42 votes.
John H. Farquhar received - - - - -	11 votes.
Lewis E. Bollman received - - - - -	16 votes.
Mr. Wallace received - - - - - -	20 votes.
Mr. Long received - - - - - - -	2 votes.
Mr. King received - - - - - - -	6 votes.

No person having received a majority of all the votes given, the House then proceeded to a fourth balloting for the same. On counting the votes,

M. S. Ward received - - - - - -	45 votes.
John H. Farquhar received - - - - -	9 votes.
Lewis Bollman received - - - - - -	16 votes.
Mr. Wallace received - - - - - -	19 votes.
Mr. Long received - - - - - - -	3 votes.
Mr. King received - - - - - - -	2 votes.
Blank, - - - - - - - - - -	2 votes.

No person having received a majority of all the votes given, the House then proceeded to a fifth balloting for the same. On counting the votes,

M. S. Ward received - - - - - -	51 votes.
John H. Farquhar received - - - - -	8 votes.

Lewis Bollman received	14 votes.
Mr. Wallace received	19 votes.
Mr. Long received	2 votes.
Mr. King received	2 votes.
Blank,	1 vote.

M. S. Ward having received a majority of all the votes given, was declared duly elected Clerk of the House during the present session, was sworn into office, and entered upon the discharge of his official duties.

On motion,

The House then adjourned until 2 o'clock P. M.

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2 o'clock, P. M.

House met.

On motion by Mr. Thompson,

The House then proceeded to the election of an Assistant Clerk of the House. On counting the first ballot, it appeared that

William H. Hanna received	7 votes.
John Barclay received	16 votes.
Francis M. Williams received	48 votes.
D. S. Gooding received	9 votes.
Mr. McCatteson received	2 votes.
Mr. Matlack received	2 votes.
Mr. Swaar received	8 votes.
Mr. Brown received	2 votes.
Mr. Hamilton,	3 votes
J. W. Gordon received	1 vote.

No person having received a majority of all the votes given, the House then proceeded to a second balloting for the same. On counting the votes,

Francis M. Williams received	50 votes.
Mr. Barclay received	33 votes.
Mr. Gooding received	6 votes.
Mr. Hamilton received	1 vote.
Mr. Matlack received	1 vote.
Mr. Swaar received	2 votes.
Mr. Powers received	1 vote.
Blank,	1 vote.

Francis M. Williams having received a majority of all the votes given, was declared elected Assistant Clerk of the House during the present session, was sworn into office by the Hon. James Lockhart, President Judge of the fourth judicial circuit of the State of Indiana, and entered upon the discharge of his official duties.

On motion,

The House proceeded to the election of Door-keeper, Messrs. Fuller and Harvey acting as Tellers. On counting the votes, it appeared that

Mr. Parmelee received	14 votes.
Mr. Youse received	5 votes.
Mr. Summer received	6 votes.
Mr. Moore received	5 votes.
Mr. Markle received	21 votes.
Mr. Doggatt received	4 votes.
Mr. Spiller received	16 votes.
Mr. Reid received	11 votes.
Mr. Storrer received	2 votes.
Mr. Sturgeon received	6 votes.
Mr. Newkirk received	1 vote.
Mr. Rose received	2 votes.
Mr. Herron received	3 votes.
Blank,	2 votes.

No person having received a majority of all the votes given, the House then proceeded to a second balloting for the same. On counting the votes, it appeared that

Mr. Parmelee received	13 votes.
Mr. Youse received	2 votes.
Mr. Summers received	4 votes.
Mr. Moore received	2 votes.
Mr. Markle received	32 votes.
Mr. Doggatt received	6 votes.
Mr. Spiller received	17 votes.
Mr. Reid received	12 votes.
Mr. Sturgeon received	5 votes.
Mr. Herron received	1 vote.
Mr. Rose received	2 votes.
Mr. Swaar received	2 votes.

No person having received a majority of all the votes given, the House then proceeded to a third balloting for the same. On counting the votes,

Mr. Parmelee received	17 votes.
Mr. Youse received	1 vote.

Mr. Markle received	49 votes.
Mr. Doggatt received	4 votes.
Mr. Spiller received	12 votes.
Mr. Reid received	9 votes.
Mr. Sturgeon received	3 votes.
Mr. Herron received	1 vote.
Scattering,	1 vote.

Mr. Markle having received a majority of all the votes given, was declared duly elected Door-keeper of the House during the present session, was sworn into office, and entered upon the discharge of his regular duties.

The following message was received from the Senate, by Mr. Jones, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have adopted the following resolution:

Resolved, That the Secretary of the Senate inform the House of Representatives that the Senate have convened, formed a quorum, elected John R. Jones, Principal Secretary, Jacob B. Lowe, Assistant Secretary, and T. D. Miller, Door-keeper, and are now ready to proceed to legislative business.

Mr. Sleeth offered the following resolution:

Resolved, That the Clerk inform the Senate that the House have convened, formed a quorum, elected Robert N. Carnan, Speaker, M. Selden Ward, Principal Clerk, Francis M. Williams, Assistant Clerk, N. B. Markle, Door-keeper, and are now ready to proceed to legislative business.

Which was, on motion, adopted.

On motion,

The House adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING, DECEMBER 8, 1846.

The House met pursuant to adjournment.

Mr. Parker moved a call of the House;

Which was seconded.

And after some time spent therein,

On motion by Mr. Sleeth,

The further call was suspended.

Mr. Thompson offered the following resolution:

Resolved, That a committee of two be appointed on the part of the House, to act with a similar committee of the Senate, to respectfully request the Rev. Mr. Beecher to attend in the hall of the House of Representatives to-morrow morning at 10 o'clock, to address the throne of grace by prayer on behalf of this General Assembly, and that the Senate be requested to reciprocate this resolution; and that seats be provided on the right of the Speaker's chair.

Which resolution was adopted.

And the Chair appointed Messrs. Thompson and Fuller said committee on the part of the House, to act with a similar committee on the part of the Senate.

Mr. Miller offered the following resolution:

Resolved, That a committee of two be appointed on the part of the House of Representatives, to act with a similar committee on the part of the Senate, to wait upon his Excellency the Governor, and inform him that the General Assembly is now ready to receive any communications that he may be pleased to make; and that the Senate be informed thereof.

Which was adopted.

And the Chair appointed Messrs. Miller and Stanfield said committee, to act with a similar committee on the part of the Senate.

Mr. Carr of Lawrence offered the following resolution:

Resolved, That the Door-keeper furnish each member of this House with a copy of the standing rules and joint rules of the last House of Representatives.

Which resolution was adopted.

Mr. Noel offered the following resolution:

Resolved, That the editors of the several newspapers in this State, or their reporters, be permitted to occupy seats within the bar of this House, for the purpose of reporting the proceedings thereof.

Which resolution was adopted.

Mr. Harlan offered the following resolution:

Resolved, That a committee of five be appointed to revise the rules and joint rules of this House, and until the same are reported and adopted, the rules of the last House be adopted to govern the proceedings of this body.

Which resolution was adopted.

And thereupon the Speaker appointed Messrs. Harlan, Stewart of Fayette, Palmer, Julian, and Dole, said committee, to report as soon as practicable.

Mr. Lemmonds offered the following resolution:

Resolved, That the door-keeper of this House be directed to furnish each desk of this House with a copy of the Revised Statutes of 1843; a copy of the journals of the last session of this House; a

copy of the laws of the last session of the General Assembly, and a copy of the laws of 1845 and 1846.

Which was adopted.

A message from the Senate, by Mr. Jones, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have adopted the following resolution:

Resolved, That a committee of two be appointed on the part of the Senate, to act with a similar committee on the part of the House, to wait on his Excellency the Governor, and know at what time it will suit his convenience to make his annual communication to the two Houses of the General Assembly.

Messrs. Logan and Clements have been appointed said committee on the part of the Senate.

Which message was, on motion by Mr. Miller, taken up and reciprocated on the part of the House, and Messrs. Miller and Stanfield appointed the committee upon the part of the House to act with that of the Senate.

Ordered, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Jones, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have adopted the following resolution:

Resolved, That the joint rules which were in force for the government of the General Assembly of the last session, be adopted by the Senate as the rules of joint action for the present session; and that the House of Representatives be informed thereof, and its concurrence therein respectfully requested.

Which was concurred in by the House.

On motion by Mr. Harlan,

Mr. Secrest was added to the committee appointed by the Chair to revise the rules of this House.

Mr. Dowling offered the following resolution:

Resolved, That the door-keeper of this House be authorized to contract with the proprietors of the Indiana Journal and Indiana State Sentinel, for four copies each of the tri-weekly issues of said papers for the use of this House, provided their cost shall not exceed fifty cents per copy.

Mr. Colms offered the following amendment:

"Provided the members so furnished pay the expense of said sum of fifty cents for each paper."

Mr. Carr of Lawrence moved to indefinitely postpone the whole matter.

On this motion Messrs. Harvey and Carr of Lawrence demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Arnold, Brown, Carr of Lawrence, Cravens, Crookshank, Dunham, Green, Hall of Posey, Hamilton, Hanna, Harvey, Hatfield, Hicks, Holland, Huddleston, Huff, Huffstetter, Hunt, Johnson, Jones of Greene, Lemmonds, Lewis, Logan, Lutz, Mason, May, Miller, Monk, Nofsinger, Osborn, Parks, Powell, Secrest, Shields, Sleeth, Smiley, Summers, Tackett, Tebbs, Thomas, Watts, Wiley, Wilson, and Wise—45.

Those who voted in the negative are,

Messrs. Addleman, Balding, Carr of Clark, Carnahan, Cassatt, Clark, Colms, Deam, Decker, Dobson, Dowling, Edwards, Ferguson, Fry, Fuller, Gilleece, Gordon, Griffis, Hall of Warren, Harding, Harlan, Hendricks, Hill, Holman, Hostetter, Hull, Jones of Blackford, Julian, Kerr, McCormack, Meredith, Moore, Neal, Noel, Norton, Palmer, Parker, Porter, Scott, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Tait, Thompson, Trimble, Walker, Wolfe, Woodruff, Yaryan, Young, and Mr. Speaker—52.

So said motion did not prevail.
The question then being,
"Shall the amendment to the resolution be adopted?"
Messrs. Colms and Crookshank demanded the ayes and noes;

Those who voted in the affirmative are,

Messrs. Anthony, Carr of Lawrence, Colms, Crookshank, Dobson, Harvey, Powell, Summers, and Thomas—9.

Those who voted in the negative are,

Messrs. Addleman, Arnold, Brown, Balding, Carr of Clark, Carnahan, Cassatt, Clark, Cravens, Deam, Decker, Dowling, Dunham, Edwards, Ferguson, Fry, Fuller, Gilleece, Gordon, Griffis, Green, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Harlan, Hatfield, Hendricks, Hicks, Hill, Holland, Holman, Hostetter, Huddleston, Huff, Hull, Hunt, Johnson, Jones of Blackford, Jones of Greene, Julian, Kerr, Lemmonds, Lewis, Logan, Lutz, Mason, May, McCormack, Meredith, Monk, Moore, Neal, Noel, Nofsinger, Norton, Osborn, Parker, Parks, Porter, Scott, Secrest, Shields, Sleeth, Smiley, Stewart of Fayette, Stewart of Laporte, Suit, Tackett, Tait, Tebbs, Thompson, Trimble, Walker, Watts, Wiley, Wilson, Wise, Wolfe, Woodruff, Yaryan, Young, and Mr. Speaker—84.

So said amendment was not adopted.

Mr. Fuller moved to strike out "fifty" in the resolution and insert "seventy-five."

Pending which,

On motion by Mr. Secrest,

The resolution with the amendment was laid upon the table.

Mr. Fuller offered the following resolution:

Resolved, That the House will proceed to the election of a sergeant-at-arms, this day at three o'clock, P. M.

Which was,

On motion by Mr. Sleeth,

Indefinitely postponed.

Mr. Miller moved to reconsider the vote taken on the adoption of the resolution for the appointment of a committee to revise the rules and joint rules of this House.

Which motion prevailed.

Mr. Miller moved to amend the same by striking out therefrom "joint rules."

Which was amended by consent.

Mr. Noel moved to instruct the committee appointed to revise the rules of this House, as follows:

"Amend the rules of this House, so as to provide for the appointment of an additional standing committee, to be called the "committee on the benevolent institutions of the State."

Which motion prevailed, and the committee instructed accordingly.

Mr. Carr of Lawrence, offered the following resolution:

Resolved, That the House will, the Senate concurring therein, proceed on to-morrow, at the hour of ten o'clock, A. M., to open and count the vote cast for Governor and Lieutenant Governor in this State at the last annual election.

Which was adopted; and

On motion by Mr. Miller,

The House adjourned until 2 o'clock, P. M.

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2 o'clock, P. M.

The House met.

Mr. Harlan, from the select committee appointed for that purpose, made the following report:

Mr. Speaker:

The committee to which was referred a resolution of this House, resolving that a committee of five be appointed to revise, amend,

and report rules for the regulation of the House during its present session, have directed me to report the following, to wit: The rules of the last House of Representatives, with the following amendments:

Amend the 8th rule, by inserting at the close of the same, the following: "and a committee on benevolent and scientific institutions;" and also at the close of the clause in the same rule, referring to particular committees, all subjects and matters which may be referred to them, the following amendment: "or in any way appertaining to the same."

Mr. Miller moved to lay the report on the table;

Which motion prevailed.

Mr. Miller made the following report:

Mr. Speaker:

The committee appointed for that purpose, have waited on his excellency, the Governor, and report that he will deliver his annual communication to the two Houses of the General Assembly, in the Hall of the House of Representatives to-day, at half past two o'clock.

Mr. Miller moved to reconsider the vote taken on the passage of the resolution, to-day, to count the votes cast at the last annual election for Governor and Lieutenant Governor, on to-morrow at ten o'clock, A. M.

Which motion prevailed;

And said resolution amended,

On motion by Mr. Secrest,

By striking out "to-morrow at ten o'clock," and inserting "to-day at three o'clock."

On motion by Mr. Miller,

Resolved, That the Senate be invited to attend in the Hall of the House of Representatives, instanter, to hear the message of his excellency, the Governor, and that seats be prepared for them on the right of the Speaker's chair.

The Senate then came into the Hall and took their seats on the right of the Speaker's chair, when his excellency, the Governor, then came in, attended by the joint committee appointed for that purpose, and in person, delivered the following message in the presence of both Houses.

Gentlemen of the Senate

and of the House of Representatives:

In assembling in obedience to the requirements of the constitution, to discharge the important trusts placed in our hands by our confiding fellow citizens, the expression of our hearty thanks is due to Divine Providence for the signal blessings with which he has crowned the year.

Agricultural industry—the great source of our prosperity,—has been rewarded with abundant crops, and rational enterprise has been crowned with merited success. Although our people, in common with those of most of the other States, have, during the past season, been afflicted with sickness to an unusual extent, yet the number of deaths has been comparatively small, and the smiles of returning health have again gladdened our hearths.

It is gratifying to state, that the condition of our finances still continues to improve.

The ordinary expenses of the Government for the fiscal year ending on the 31st of October last, were $69,136 59, being $1,985 70 less than those of the preceding year.

The ordinary expenses for 1847 are estimated by the Auditor in his report herewith submitted, at $67,400.

The number of polls returned for 1846, (estimating for the counties of Benton, Crawford, Jackson, Pulaski and Spencer, from which returns have not yet been received,) are 126,969, being an increase of 2,251 over that of the preceding year.

The value of taxable property returned for 1846 (estimating for the same counties,) is $122,265,686, being an increase of $3,395,435 over that of last year.

The amount of revenue paid into the State Treasury during the last fiscal year, is $293,861, being nearly $14,000 more than was estimated by the Auditor in his report for 1845. No doubt exists that ample funds will be in the Treasury, under the present assessment and rate of taxation to meet the July payment required by the State debt bill of last session, should that go into operation.

A strong proof of the growing prosperity of the State, is afforded in the progressive diminution of the rate of delinquency for the last three years. The rate for 1843, was $17 34 on the hundred; for 1844, it was $16 86 on the hundred; and 1845, it was $15 18 on the hundred.

The assessment for 1846 is, for State purposes, $418,917 95; and for county, road, school and township purposes collectively, $473,788 82. Add to these sums, the delinquencies of former years, $102,598 01, and the total amount of the duplicates for 1846 is $995,304 78.

While the growing prosperity of the people, and the improving finances of the State, as shown in the above exhibit, are subjects of

heartfelt congratulation, it is earnestly hoped and recommended that the same maxims of economy, of industry and frugality, under which our condition is, of late, so much improved, will continue to be rigidly observed.

The recent change of policy, made in accordance with the spirit of the age, in the United States and Europe, by which the shackles heretofore imposed upon trade and industry have been struck off, is cause of profound gratification to the statesman, the patriot, the philanthropist, and to the millions in our own conntry, who, living by the labor of their hands, are desirous of buying in the cheapest and selling in the dearest market. This relaxation of the miscalled protective system will be especially favorable to the people of Indiana, for the products of whose labor, mostly drawn from the earth, they are offered by this means a wider and better market than they have ever enjoyed. Should this beneficent change be suffered to continue, the opinion is confidently expressed that the far greater degree of prosperity, which the great mass of the people will enjoy, in consequence, will forever prevent a reinstatement of the restrictive policy in our country.

In relation to the proposed arrangement for the payment of the State debt, and the completion of the Wabash and Erie Canal, as authorized by the act which was passed at the last session of the Legislature, I have the satisfaction to state that a letter was received by me in the early part of July last, from Mr. Palmer of London, bearing date the thirtieth of May, 1846, enclosing a copy of two resolutions of that date, which had been adopted by the committee of bondholders in London, under whose authority Mr. Charles Butler had acted in submitting propositions in their behalf, resulting in the passage of the bill in question. In these resolutions, (which with Mr. Palmer's letter are herewith submitted), it will be seen that the opinion is expressed, that it will be for the interest of the bondholders to concur in the principle of that arrangement, by the payment of one-half of the principal and interest of the debt by taxation, and the other half by the property and tolls of the canal, from the State line adjoining Ohio to Evansville; such property to be assigned to three trustees, and the State to be freed from responsibility on that portion of the debt and interest so to be secured.

It thus appears, that the principle of the proposed arrangement has received the assent of the committee of bondholders, while within the sphere of my own observation, and so far as my information extends, the expression of the great majority of our citizens is also decidedly in its favor.

Steps have been taken to carry the act into effect on the part of our bondholders, and I am gratified in being able to state, that parties holding bonds to the amount of more than $4,000,000, are ready to surrender them in conformity with the principle of the arrangement. From information derived from the agent of the

bondholders, who is now in attendance, it would seem that certain modifications of the bill of last session, are desired on their part.

The proposed modifications have not yet been submitted to my inspection; but I am informed that they do not conflict with the principle of the bill, and yet are deemed essential for carrying into full effect its fair and obvious intent. They will be submitted at an early day for the consideration of the General Assembly. Any modifications required for the success or efficiency of an arrangement, so eminently conducive to the prosperity of the people, and to the honor and reputation of the State, and which will not vary its principles, nor add to the burthens of the people, will, it is believed, be but responsive to their will, and I trust will receive your favorable action.

After repeated attempts on the part of the United States for an honorable adjustment of all existing differences with the Mexican government, consisting in part, of the accumulated wrongs and injuries committed on citizens of the United States, in their persons and property, for more than twenty years, our amicable relations with that power were suddenly terminated on the 24th of April last, by the invasion of our territory by a Mexican force, and the shedding of the blood of our own citizens upon our own soil.

This event was duly communicated to Congress by the President of the United States on the 11th of May last, for the consideration of that branch of the government, which by a vote nearly approaching to unanimity, passed an act approved on the 13th of the same month, recognizing the war thus commenced on the part of Mexico, as existing between the two powers, and authorizing the President to call for and accept the services of any number of volunteers, not exceeding 50,000, for its speedy and energetic prosecution.

By a communication from the Secretary of War, dated the 16th of the same month, and received late in the evening of the 21st, enclosing a copy of the act referred to, I was requested on the part of the President, to call for three regiments from this State, to serve as infantry or riflemen, and to cause them to be organized at the earliest practicable period, preparatory to their being moved towards the seat of war. In compliance with this request, my proclamation dated the 22d of May was issued, inviting our citizen soldiers to repair to the standard of their country.

This call found our citizens peacefully engaged in their ordinary pursuits, scarcely dreaming of this invasion of our soil by a foreign foe, how faithless soever, past events had shown that foe to be. Our military organization, during a peace of thirty years, was broken up and in ruins. No funds had been provided by law to be advanced to the volunteers, before they should reach the place of rendezvous, either for clothing, for provisions, or for the expenses of transportation. It is true, the United States had made ample provision for each of these objects, but payment could not be made to volunteers until they should be inspected and mustered into the ser-

vice. What the volunteer stood in need of, therefore, was a friendly hand to advance to him, or to the proper officer for his use, the amount of these necessary expenses, until, being accepted into the service of the United States, he should receive from the paymaster, his due allowance for these expenses, out of which he would thus be enabled to replace the money advanced for his benefit.

Such were a few of the obstacles that, according to the predictions of some, threatened to prevent the raising by the time required, of Indiana's quota of troops.

But these and all other difficulties were met and overcome, principally from the ranks of our young men, who are their country's defence in the hour of danger, and its pride and hope in time of peace. They flew to the standard of their country with an alacrity and an enthusiasm that challenge our admiration, and prove that when allowed to share in the perils of the battle field, their bravery is destined to shed an additional lustre on the brilliant victories which have already crowned our arms. By the 10th of June, only eighteen days from the issuing of the proclamation, the whole thirty companies were reported to the Executive, and within a few days after, twenty-two additional companies were offered, ready for service. Their disappointment was great, when informed that the requisition was already full, and that the services of no more troops could be received from Indiana. Many other companies, in various parts of the State, and in different stages of organization, were, much to their regret, compelled to disband on the receipt of this intelligence.

Our three regiments were concentrated at New Albany, not only in ample time, in the opinion of the proper officers of the regular army, but from two to three weeks sooner than the means of their transportation by steamers could be furnished by the United States.

An arrangement was made with several branches of the State Bank, by which they agreed to advance on the draft of the Executive, means to aid in clothing, subsisting and transporting the volunteers, looking to government for repayment.

The whole sum drawn by the Executive, under this arrangement, was $5,218 78, of which $3,718 78 was drawn from the Indianapolis Branch, and the residue, being $1,500, from that at Madison. The whole amount drawn was applied to the objects in question, excepting $47 78 of the last named sum, which, remaining unexpended, has been returned to the Madison Branch; leaving yet due to that institution $1,452 22.

As the only payment made by the United States to the volunteers before they left Indiana was for clothing, no part of that was retained to repay the money advanced to them for other objects, unless with their own consent. If objection was made, and after full explanation, persisted in, by a single volunteer, the retention as to the entire company of which he was a member, was necessarily deferred, until the time of receiving the allowance specially made for such objects.

Some companies, not needing the whole of their clothing pay for immediate use, consented to the retention, in some cases of the whole, in others of a part, of what was due from them, it making no difference to them in the end, out of what payment it should be retained.

Under this regulation there was retained, with the consent of the volunteers, for the loan advanced by the branch at Indianapolis, $3,108 59, before the troops left New Albany, which has since been duly paid over and credited on the books of the bank, leaving a balance due to it of $610 19, amounting with the balance due to the branch at Madison, to $2,062 41.

The Executive was also officially advised, that the branch at Fort Wayne, advanced from $1200 to $1300, (the precise sum not being now recollected) to an agent appointed for that purpose, by that institution, by whom it was expended for the benefit of the two companies, raised at that place. The branch at Lawrenceburgh, also advanced $740 for the company raised in Dearborn county, which, it is understood, has been repaid, although no formal communication to that effect has been received from the branch.

Measures have been taken through the Paymaster General, and by a letter addressed to Brigadier General Lane of the Indiana volunteers, to have the balance due the branches at Madison, Indianapolis, and Fort Wayne, retained out of the moneys provided by the United States for the expenses of the volunteers to whose use the advances were applied. But as some delay may occur before this can be done, as some of it may never be received on account of deaths or discharges from the service before payment, and as some interest will be due on the loans, it is recommended that an appropriation be early made, to cover the whole amount due.

This course is the more proper, as with but one exception, these advances were made on the faith of the State, and the amount hereafter retained, would in case of an appropriation, be paid into the State Treasury.

Before closing this topic, it is felt to be due to the character of our citizens, to publicly acknowledge the numerous instances in which many of the volunteers were promptly supplied by their generous and patriotic neighbors, with clothing, provisions, wagons for their transportation, and with refreshments on their way to the place of rendezvous. This was the more creditable, as generally speaking, no remuneration for these deeds of kindness was expected, and it could scarcely be hoped that they would ever be heard of beyond the bounds of a limited acquaintance.

The moneys drawn to aid in raising the troops, were disbursed from time to time, according to a prescribed plan, on accounts and vouchers regularly and systematically rendered, which are filed away and open for inspection.

Documents relating to the military operations referred to, are herewith submitted.

By the accompanying report of the Adjutant General, it will be seen that the business of that officer has greatly increased within the past, as compared with the preceding year. The letters received and answered by him in the year 1845, amounted to but 65, while they amounted to 724 in 1846. The commissions ordered and forwarded through his office in the former year amounted to but 125, while in the latter year they amounted to 1320. Deducting from this number, the 224 commissions issued to the volunteers sent to the seat of war, and to the additional companies raised for that service, but not received, and still the increase in the number of commissions issued in the year 1846 over those issued in 1845, shows that the war in which the United States are engaged, has excited a strong and growing military feeling throughout the State. It is well worthy of your consideration whether this state of things does not indicate a call on the part of the people for an organization of the militia.

Deeply as a state of war with any nation is to be regretted, there is no alternative unless a disposition for peace is manifested on both sides.

Many who feel indifferent or even averse to such an organization in a state of peace, regard it as necessary in time of war. It is uncertain how soon another call may be made on us for additional forces.

Had our militia been organized at the time, it is evident that the raising of our troops would have been facilitated and hastened, by merely calling on the proper officers to order out their respective commands, and beat up for volunteers, on parade, thus saving much time, and securing the advantage of the force of example and the enthusiasm of numbers.

Another advantage attending such an organization would be found in its enabling the State to return our full military strength to the War Department, as a basis on which to draw our quota of the public arms.

As they are now drawn on the last return, made in 1832, we are annually deprived of more than one-half of the arms to which we are entitled, arising from the great increase in our population since that time.

Your more extended opportunities, however, have better enabled you to ascertain the public will upon this subject, by which we should be governed.

While speaking of the increased labors of the Adjutant General during the past year, it is due to that officer to express my deep sense of the important aid received from him in the raising of our volunteers. So pressing were the duties of his office, and so unremitting were his exertions, from the time the call upon Indiana was first made, until our troops were embarked at New Albany, (to which place we had repaired on their concentration at that point,) that his entire time was necessarily withdrawn from his ordinary

avocations. Having no clerical assistance, his nights, during that period, were generally devoted, until a late hour, to the public service. The far greater part of his time since has been occupied with his military correspondence. I commend him to your favorable consideration for an additional compensation for these services, and also, in view of the present and prospective increase of his regular duties, that his salary be also increased.

By the report of the Quarter-Master General, herewith submitted, it will appear that since his last annual report he has succeeded in collecting arms distributed previously to the year 1842, and for which bonds appear not to have been taken, to the amount of 793 pieces, consisting of muskets, rifles, sabres, and pistols, and that there have been repaired during the same period, 1,176 pieces of similar descriptions, besides 400 holsters and cartridge boxes; all of which have thus been rendered fit for actual service. It will also be seen that by receiving a portion of our last quota of public arms from the ordnance office, in cavalry, rifle, and infantry accoutrements, to replace such as had been lost or destroyed, a number of arms, to which they are made appurtenant, have thus at a comparatively small expense, been rendered available for service. The suggestions, in the same report, as to the security and transportation of the public arms, are respectfully urged upon your consideration. The fidelity and energy of this officer in the discharge of his official duties are worthy of commendation, and as his labors are now much greater than formerly, it is submitted whether he is not also entitled to an increase of compensation.

Arms have hitherto been distributed in the order in which they are applied for by organized companies. It is recommended that this rule be so modified by law, as in all cases to give the preference to such companies as may pledge themselves to stand ready for actual service at the first call of their country.

A circular, from the Secretary of the Treasury of the United States, asking for statistical information, in relation to agriculture and manufactures, has been forwarded to me; and is herewith communicated to the Legislature.

As I am not in possession of the data from which to furnish the desired information, otherwise than conjecturally, the subject is referred to your consideration for such action as you may see fit to take in reference to the object.

I submit herewith a communication from the acting commissioner of the General Land Office, dated Sept. 7, 1846, in which it will be seen, that the selection of lands for the Wabash and Erie Canal, made under the direction of my immediate predecessor, as mentioned in his letter to that office, dated Dec. 1st, 1843, has not been recognized, and that it is the wish of the office, that the 35,219 51-100 acres to which the State is yet entitled, be at my earliest convenience selected from lands "subject to private entry," as provided by the 2d section of the act of Congress of Feb. 27, 1841. The rea-

sons why I have so far delayed acting in this matter, were adverted to in my last annual message. The direction of the Legislature is respectfully invoked.

For reasons mentioned in my last annual message, I again respectfully commend to your favorable consideration, the questions as to the policy of transferring the trial of certain small offences from the Circuit Courts to justices of the peace, as to the policy of establishing houses of refuge for the moral discipline of juvenile and female offenders, instead of the present barbarous, unhealthy and expensive mode of punishment by imprisonment in the county jails—the question of a thorough and searching reform in our county expenditures—and the policy of providing for the growing amount of our special and local legislation, by transferring, by means of general laws, the necessary powers to other and more appropriate tribunals. My views in favor of each of these proposed changes which were formerly given at some length, have been strengthened by subsequent reflection. The large amount of business performed at the last session, may have prevented that matured consideration and action in reference to these subjects, which their importance, in my judgment demands. That the very character of that business demonstrates the propriety of the policy last above recommended, is to my mind evident—there having been passed at the last session 355 local or special acts, besides 145 acts and joint resolutions of a general nature—making in all 530 distinct measures, and comprising 559 octavo pages of printed matter.

It is feared that in the brief space of one session, the careful attention required by the public welfare, could with difficulty be bestowed upon all the various and dissimilar questions, embraced in so great a mass of legislation.

In conformity with the act providing for taking the sense of the qualified voters as to the propriety of calling a convention to alter, revise, or amend the constitution of this State, approved January 19, 1846, a poll was opened at the annual election held in August last, for receiving votes upon that question. The returns, so far as made to the Secretary of State, as required by that act, show that 32,521 votes were cast for, and 27,485 votes were cast against calling a convention. They also show that the aggregate number of votes returned as having been cast upon that question, is less than one-half of the number of voters who attended the polls and voted upon other questions, and that from thirteen counties no returns whatever upon that question have been received.

I cannot close this communication, without submitting a few remarks on the deeply important subject of education. The success of our two Universities, and of our Colleges, has been all that their warmest friends could desire, and is a subject of just pride and congratulation to the State. I have received from the Indiana University, the Indiana Asbury University, the Wabash College, and the Franklin College, yearly catalogues, exhibiting their actual condition;

and my information leaves no doubt upon my mind, that our other collegiate institutions are now, in common with the four above named, in a more prosperous condition than they have ever before enjoyed. This may, doubtless, in some degree, be attributed to the returning prosperity of the State at large; but it is mostly owing to the superior inducements held out to those who are desirous of acquiring a sound education, the healthful situations, the means of economical living, able and accomplished Presidents and Professors, and virtuous associations.

But under this comprehensive topic, there is another subject which challenges our attention by its far greater importance. I allude to the condition of our common schools. Under our simple and sublime institutions, all citizens are regarded as politically equal. But to enable the citizen to protect himself in the enjoyment of his full share of political rights, he must be armed with at least an elementary education. He must know how to read and write his mother tongue. This is too frequently regarded merely as a question of expediency. But it should never be forgotten that it is a sacred *debt* which we owe to every son and daughter of Indiana, however poor they may be, to place them upon an equality with their more favored associates, as to the means of acquiring a common school education. Until this is done, they are not as *equal* as they ought to be, nor as we have it in our power to make them.

By this means, they will be better enabled to "know their own rights and knowing, to maintain them." They will be better prepared to sift and analyze public questions—to scrutinize the conduct of their public officers, and to hold them to a proper accountability.

Very general dissatisfaction is expressed with our present school law. It is objected, that it is incoherent, and that its provisions are vague and conflicting. A careful revision of the entire school system, is respectfully recommended. Great advantage would arise from the adoption into our system of such provisions, as the experience of other states has shown to be productive of happy results.

An obvious mode of accomplishing this object would be, the appointment of a suitable person to examine into the condition of the schools of some of the older states, by correspondence, travel, and personal inspection, and to report to a future legislature. I am informed, however, that Mr. H. F. West, a gentleman who has recently become a citizen of this place, has for several years devoted his attention to this philanthropic object, and is ready to communicate the results of his investigations. It is very probable that this will obviate the necessity of resorting to the measure above indicated, and will facilitate action on this subject.

Whatever system you may see fit to adopt, it is recommended, that provision be made for the appointment of a State Superintendent, who shall be charged with the supervision of the entire school system, and particularly, with procuring full and prompt reports of

the condition and management of the schools and school funds in the State.

The Asylum for the education of deaf mutes, continues to grow in usefulness, under its present able instructors. The number of pupils in the institution since it was established by the State, has increased from nineteen to forty-five; and there are already assurances that they will amount to fifty, before the close of your present session. Well situated grounds in the immediate vicinity of this place, have been purchased as a site for a suitable edifice; and it is recommended that authority be given for its early construction.

Considerable progress has been made during the past season, in the construction in this vicinity, of a Hospital for the Insane, which was authorized at the last session of the Legislature. It is recommended that the former appropriations be so far increased, or rather anticipated, as to insure its completion with the least practicable delay. This is alike required by economy, humanity, and sound policy.

Permit me in conclusion to express the hope that your deliberations may be characterised by wisdom and moderation, and to pledge my hearty co-operation in whatsoever may be promotive of the prosperity, the happiness and the honor of our beloved State.

JAMES WHITCOMB.

Dec. 7th, 1846.

The Senate then retired to their Chamber.

The following message was received from the Senate by Mr. Jones, their Secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives, that the Senate have reciprocated the resolution of the House, providing for opening and counting the vote cast for Governor and Lieutenant Governor, in this State, at the last annual election, with an amendment, fixing the time at half past three o'clock, P. M.

Concurred in.

Which message was taken up by the House, and the amendment of the Senate concurred in.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. Porter,

Resolved, That the Senate be invited to meet in this Hall, *instanter*, to count the votes for Governor and Lieutenant Governor, and that seats be provided for them on the right of the Speaker's chair.

The Senate then came into the Hall, and took their seats on the right of the Speaker's chair; when the Speaker of the House of Representatives, in presence of both Houses of the General Assembly, opened and commenced publishing the votes given in the several

counties of this State at the last annual election for Governor and Lieutenant Governor;

Pending which,

The Convention adjourned until to-morrow morning nine o'clock A. M.

The Senate then retired to their Chamber; and

On motion by Mr. Thompson,

The House adjourned until to-morrow morning nine o'clock.

WEDNESDAY MORNING, DECEMBER 9, 1846.

The House met pursuant to adjournment.

Mr. Thompson, from a joint committee, made the following report:

MR. SPEAKER:

The committee of the House jointly with a committee of the Senate, appointed for the purpose, have waited upon the Rev. Mr. Beecher, and requested him to attend in the Hall of the House this morning, at 10 o'clock, to offer up prayer to the throne of grace on behalf of this General Assembly, and he responded that he will attend in conformity to the request.

The Senate then came into the Hall of the House of Representatives and took their seats on the right of the Speaker's chair, when the Speaker of the House, in presence of both bodies of the General Assembly, opened and published the remaining votes of the counties which were not published on last evening for Governor and Lieutenant Governor of the State of Indiana, and on counting all the votes returned, it appeared therefrom that James Whitcomb, for the office of Governor, had received 64,104 votes, and that Joseph G. Marshall, for the same office, had received 60,067 votes, and that Stephen C. Stevens, received 2,278 votes; James Whitcomb having received a majority of the votes given, was by the President of the Senate, in presence of both Houses of the General Assembly of the State of Indiana, declared duly elected Governor of the State of Indiana, to serve as such for the term of three years from and after the expiration of his present term of service.

For the office of Lieutenant Governor, it appeared from the re-

turns aforesaid that Paris C. Dunning had received 62,965 votes, Alexander C. Stevenson had received 59,266 votes, and Stephen S. Harding had received 2,281 votes; Paris C. Dunning having received a majority of the votes given, was by the President of the Senate, in the presence of both Houses of the General Assembly declared duly elected Lieutenant Governor of the State of Indiana, for the term of three years from and after this date.

Whereupon the Senate retired to their chamber.

On motion by Mr. Julian,

Resolved, That a committee of two be appointed on the part of this House to act with a similar committee on the part of the Senate, to wait on his Excellency James Whitcomb, and the Honorable Paris C. Dunning, and inform them of their election; the first to the office of Governor, and the second to the office of Lieutenant Governor of the State of Indiana, and to ascertain from them what time it will suit their convenience to take the oath of office.

Whereupon the Speaker appointed Messrs. Palmer and Julian said committee.

Mr. Julian moved to take up the report of the committee on rules, which was laid upon the table on yesterday.

Which motion prevailed.

Mr. Porter moved to amend by inserting in its proper place in the 22d rule, the following,

"And should any member present not excused from voting, refuse to vote when his name is called, the Speaker shall direct the Clerk to make an entry in the journal, that said member was present, and called to vote on the question, but refused to vote."

Which amendment was adopted.

And the question being,

"Shall the report of the committee as amended be concurred in by the House?"

In was decided in the affirmative.

Mr. Secrest then moved that the rules as reported and concurred in by the House, be adopted as the rules for the government of this House during the present session.

Which motion prevailed.

On motion by Mr. Secrest,

Resolved, That two hundred copies of the rules of this House, with the joint rules for the government of the present General Assembly, be printed for the use of the members of this House.

The following message was received from the Senate by Mr. Jones, their Secretary:

MR. SPEAKER:

I am directed by the Senate, to inform the House of Representatives, that the Senate have reciprocated the resolution of the House, appointing a committee to wait upon his Excellency James Whit-

INDIANA STATE LIBRARY

comb, and the Honorable Paris C. Dunning, and inform them of their election to the offices of Governor and Lieutenant Governor, and Messrs. Howell and Zenor have been appointed said committee on the part of the Senate.

On motion by Mr. Huff,

Resolved, That the Senate be invited to attend in the Hall of the House instanter; to attend the prayer of the Rev. H. W. Beecher, to be offered in accordance with the request of a joint committee, made on yesterday; and that seats be provided on the right of the Speaker's chair, for Senators.

Mr. Secrest, by consent of the House introduced

No. 1. A bill for the extension of the time of holding the Probate Courts, in the county of Putnam;

Which was read and ordered to a second reading on to-morrow.

The Senate then came in and took their seats on the right of the Speaker's chair, when the Rev. Mr. Beecher offered up a solemn and affecting prayer to the Throne of Grace in behalf of this General Assembly, on the commencement of this session.

After which, the Senate retired to their chamber.

Mr. Dowling moved to take from the table the resolution offered on yesterday, for taking the public papers of this place, at the expense of the State.

Which motion prevailed.

The question then being on the adoption of the amendment offered by Mr. Fuller, to strike out "fifty cents" and insert "seventy-five."

Mr. Thompson moved to lay the resolution, with the amendment, on the table.

Which motion did not prevail.

Mr. Fuller then withdrew his amendment.

Mr. Noel then offered the following amendment:

Strike out all after the word resolved, and insert

"That the Door-keeper be authorized to contract with the proprietors of the Indiana State Sentinel and Indiana State Journal, for three copies each of their weekly issues at a price not exceeding 33⅓ cents per copy, and for two copies of the Tri-weekly Sentinel at a price not exceeding 75 cents per copy, and for three copies of the Tri-weekly Journal at a price not exceeding 50 cents per copy, to be furnished to each of the members and officers of this House during the present session."

Mr. Thompson moved to strike out "officers," from the amendment proposed by Mr. Noel.

Mr. Powers moved to indefinitely postpone the whole subject.

On this motion Messrs. Colms and Carr of Lawrence, demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Arnold, Carr of Lawrence, Colms, Cravens, Crookshank, Dobson, Dunham, Green, Hamilton, Hanna, Harvey, Hicks, Holland, Huddleston, Huff, Huffstetter, Jones of Greene, Lewis, Miller, Monk, Nofsinger, Osborn, Powell, Secrest, Shields, Sleeth, Smiley, Summers, Tackett, Thomas, Watts, Wiley, and Wise—34.

Those who voted in the negative are,

Messrs. Addleman, Brown, Balding, Carr of Clark, Carnahan, Cassatt, Clark, Deam, Decker, Dowling, Edwards, Ferguson, Fry, Fuller, Gilleece, Gordon, Griffis, Hall of Posey, Hall of Warren, Harding, Harlan, Hatfield, Hendricks, Hill, Holman, Hostetter, Hull, Hunt, Johnson, Jones of Blackford, Julian, Kerr, Lemmonds, Lutz, Mason, May, McCormack, Moore, Neal, Noel, Norton, Palmer, Parker, Parks, Porter, Scott, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Tait, Tebbs, Thompson, Trimble, Walker, Wolfe, Woodruff, Yaryan, Young, and Mr. Speaker—60.

So said resolution, with the amendment, was indefinitely postponed.

The question then recurring on the adoption of Mr. Thompson's motion;

It was decided in the affirmative.

Mr. Dowling moved to strike out the amendment of Mr. Noel, and insert the following:

Resolved, That each member of this House be allowed to take papers published in this city, at the expense of the State, not exceeding in cost four dollars, during the session, to each member for distribution among their constituents.

Which was adopted.

The question then being,

"Shall the resolution as amended be adopted?"

Mr. Harvey offered the following amendment:

Amend by striking out the words "four dollars" and insert "one dollar and fifty cents."

Which was not adopted.

Mr. Hanna offered the following amendment:

"That the editors of the Indiana State Journal and the Indiana State Sentinel furnish each member of this House with copies of their tri-weekly prpers not to exceed two dollars to each member, at the expense of the State."

Which was not adopted.

The question then recurring on the adoption of the resolution as amended,

Mr. Thompson moved to insert "three dollars" in the place of "four."

Which motion did not prevail.

The question again being,

"Shall the resolution as amended be adopted?"

Messrs. Carr of Lawrence and Harvey demanded the ayes and noes;

Those who voted in the affirmrtive are,

Messrs. Addleman, Brown, Balding, Cassatt, Clark, Cravens, Deam, Decker, Dowling, Edwards, Ferguson, Fry, Gordon, Hamilton, Harlan, Hatfield, Hendricks, Hill, Holman, Hostetter, Hull, Johnson, Jones of Blackford, Julian, Kerr, Lemmonds, Neal, Noel, Palmer, Parker, Parks, Scott, Stanfield, Stewart of Fayette, Stewart of Laporte, Tait, Tebbs, Thompson, Walker, Wolfe, Yaryan, and Mr. Speaker—42.

Those who voted in the negative are,

Messrs. Anthony, Arnold, Carr of Clark, Carr of Lawrence, Carnahan, Colms, Crookshank, Dobson, Dunham, Fuller, Gilleece, Griffis, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Harvey, Hicks, Holland, Huddleston, Huff, Huffstetter, Hunt, Jones of Greene, Lewis, Logan, Lutz, Mason, May, McCormack, Miller, Monk, Moore, Nofsinger, Osborn, Powell, Secrest, Shields, Sleeth, Smiley, Suit, Summers, Tackett, Thomas, Trimble, Watts, Wiley, Wise, Woodruff, and Young—51.

So said resolution as amended was not adopted.

Mr. Wiley moved to reconsider the vote just taken.

Which was decided in the affirmative.

The question then being on the adoption of the resolution as amended;

Messrs. Secrest and Harvey demanded the ayes and noes;

Those who voted in the affirmative are,

Messrs. Addleman, Brown, Balding, Cassatt, Clark, Cravens, Deam, Decker, Dowling, Edwards, Ferguson, Fry, Gordon, Griffis, Hamilton, Harlan, Hatfield, Hendricks, Hill, Holman, Hostetter, Hull, Johnson, Jones of Blackford, Julian, Kerr, Lemmonds, Neal, Noel, Palmer, Parker, Parks, Scott, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Tait, Tebbs, Thompson, Walker, Wolfe, Yaryan, Young, and Mr. Speaker—45.

Those who voted in the negative are,

Messrs. Anthony, Arnold, Carr of Clark, Carr of Lawrence, Carnahan, Colms, Crookshank, Dobson, Dunham, Fuller, Gilleece, Green,

Hall of Posey, Hall of Warren, Hanna, Harding, Harvey, Hicks, Holland, Huddleston, Huff, Huffstetter, Hunt, Jones of Greene, Lewis, Logan, Lutz, Mason, May, McCormack, Miller, Monk, Moore, Nofsinger, Norton, Osborn, Powell, Secrest, Shields, Sleeth, Smiley, Summers, Tackett, Thomas, Trimble, Watts, Wiley, Wise, and Woodruff—49.

So said resolution as amended was not adopted.

Mr. Miller offered the following resolution:

Resolved, That five thousand copies of the Governor's message be printed for the use of the members of this House.

Mr. Thompson moved to amend by inserting five hundred copies in the German.

Which amendment was adopted.

Mr. Thompson moved to further amend by inserting two hundred copies in the French.

Which amendment was adopted.

Mr. Colms moved to reconsider the vote taken on the adoption of the amendment ordering five hundred copies to be printed in the German.

Which motion did not prevail.

The question then being,

"Shall the resolution as amended be adopted?"

It was decided in the affimative.

Mr. Harlan offered the following:

Resolved, That this House will, the Senate concurring therein, proceed, on Friday, the 11th instant, at ten o'clock, A. M., to elect a President Judge for the 8th judicial circuit of the State of Indiana.

Which was,

On motion by Mr. Thompson,

Laid upon the table.

Mr. Holland offered the following:

Resolved, That the House will, the Senate concurring therein, proceed to the election of Auditor of State on Friday next at ten o'clock, A. M.;

Which was laid upon the table.

Mr. Carr of Lawrence, by consent of the House, introduced the following bill:

No. 2. A bill to authorize the Judges of the Lawrence county circuit and probate courts, to devise new seals for their respective courts;

Which was read once and passed to a second reading on to-morrow.

Mr. Stewart of Fayette, on leave, introduced the petition of S. W. Parker, Justus Wright and others, relative to the probate court of Fayette county;

Which was referred to a select committee, consisting of Messrs. Stewart of Fayette, Carnahan, and Trimble.

On motion by Mr. Fuller,
The House adjourned until two o'clock, P. M.

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2 o'clock, P. M.

House met.

On motion by Mr. Miller,

Resolved, That a committee of two be appointed for the purpose of inviting the Judges of the Supreme Court to attend in the Hall of the House of Representatives, *instanter*, to witness the administration of the oath of office administered to his excellency, James Whitcomb, as Governor, and the Honorable Paris C. Dunning, as Lieutenant Governor elect of the State of Indiana, and that seats be provided for them on the right of the Speaker's chair.

Whereupon the Speaker appointed Messrs. Miller and Porter said committee.

Mr. Palmer made the following report:

MR. SPEAKER:

The committee appointed on the part of this House to act with a similar committee on the part of the Senate, to wait upon his excellency, James Whitcomb, Governor elect, and the Hon. Paris C. Dunning, Lieutenant Governor elect, respectively, of the State of Indiana, and to know of them at what time it would suit their convenience to take the oath of office, have performed that duty, and report that they have received for answer from those gentlemen, that they will attend in the Hall of the House of Representatives at half past two o'clock this day.

On motion by Mr. Julian,

Resolved, That the Senate be requested to come *instanter* into the Hall of the House of Representatives, for the purpose of witnessing the administration of the oath of office to his excellency, James Whitcomb, and to the Hon. Paris C. Dunning.

Whereupon, the Senate came in and took their seats on the right of the Speaker's chair, when the oath of office was administered to the Governor and Lieutenant Governor by the Hon. Isaac Blackford, one of the Judges of the Supreme Court, in the presence of both Houses of the General Assembly; whereupon his excellency, the Governor, delivered the following

ADDRESS:

Fellow Citizens:—The will of a free and independent people having again assigned to me the duties of the first executive office within their gift, I have in your presence, and that of Heaven, bound myself by the most solemn pledge, to the faithful discharge of the trust confided to my hands. The period through which I have passed, since first occupying my present station, has been attended with difficulty and responsibility. For this proof on the part of my fellow citizens of their approbation of my past official conduct—for this renewed and increased expression of their confidence in the rectitude of my future intentions, I tender the homage of a grateful heart. Despairing of finding terms adequately expressive of my sense of the obligation conferred, I shall endeavor to show it, to the best of my humble talents, in my continued, and, if possible, in my increased exertions to guard their rights, protect their interests, and promote their welfare.

A brief retrospect of the condition of our State affairs, especially as furnishing a lesson for the future, may not be regarded as inappropriate on this occasion. When I first entered upon the duties of the distinguished office to which I have again been elevated by the partiality of my fellow citizens, the degree and extent of suffering throughout the entire community were without a parallel in our State. Almost every one who had possessed credit was in debt, and a very large number, to all human appearance, hopelessly so. Business was broken up, enterprise was paralyzed, and individual credit was almost annihilated. Relief laws, as they are usually termed, had been interposed to prevent the general and sudden sacrifice of so large a portion of the property of the citizens, that the currency in the community, in the absence of such laws, would have been little more than sufficient to pay the costs of litigation; thus threatening to strip the debtor of the means of paying his debts, without at the same time benefitting the creditor.

But if the condition and prospects of the people individually were gloomy, what shall be said of those of the State? Need I go into a calculation of the millions of liability—of the Alpine height of that debt, resting like an incubus upon the State, and threatening to crush her vital energies under its ponderous load?

Our best citizens, despairing of extrication from the shackles of debt, were sacrificing their homes and removing beyond the limits of the State, while Capital and Industry avoided our blighted shores in their onward tide to the West.

How many of our citizens believed—nay, was there one who believed, that the full and entire amount of our public debt, principal and interest, would ever be paid? How many thought that we should ever be able to plunge to the full depth of our liability, and "pluck up drowned honor by the locks?"

What is now the condition of the great mass of our fellow citizens? Let it answer for itself. It is true, it is not yet all that could be desired, but its perceptible improvement teaches us, that the only reliable means of reaching that full degree of prosperity to which, under Providence, we may hopefully aspire, is the systematic adherence to those maxims of industry and frugality by the people—to that strict economy by the State government, and to that abstinence from schemes of visionary wealth on the part of both, by the observance of which, our altered condition for the better, has been mainly produced. Above all, I desire, on this solemn occasion, to raise my warning voice against the allurements of credit. This caution, at all times proper, is more particularly needed in times of prosperity, of a return of which, should a satisfactory arrangement be made of our State debt, we already have encouraging evidence. Prompt payments, where there is ability, are always better for both seller and purchaser, and where there is not ability, it is better in the great majority of cases, that the purchase should not be made. That credit is sometimes desirable, it is not intended to deny: but it is believed that such instances are of rare occurrence. Actuated, then, by the deepest concern for the welfare of the people—the strongest regard for the honor and prosperity of the State, I cannot but indulge the hope, that, taught by the lessons of experience, and exercising a provident forecast, the yawning gulf of debt, under the specious name of credit, will be carefully avoided.

As to our existing prospects in relation to the State debt, may we not venture to express the opinion, that enough has already transpired to afford a well grounded hope for its early arrangement, on terms satisfactory to our creditors, acceptable to our citizens, and honorable to the State? Should a settlement be finally made, substantially as proposed by the bill of last session, it is demonstrable that no higher rate of taxes will ever be required from the people to meet the whole arrangement, principal and interest, than they have been and are now paying for the present year.

In my future administration of the affairs of the State, I shall endeavor to restrict myself within the powers delegated by the Constitution—to avoid all encroachment upon either of the co-ordinate branches of government—to see, to the best of my humble abilities, that the laws are faithfully and impartially executed, and to regard the affairs and interests of Indiana as the first object of my attention and care.

Trusting to my fellow citizens for that kind indulgence and support with which I have hitherto been so highly favored, I invoke the aid of that Infinite Power who governs and controls the universe, to lead our councils to what is best, and make them promotive of our common happiness. JAMES WHITCOMB.

The Senate then retired to their chamber.

On motion by Mr. Miller,

The House adjourned until to-morrow morning nine o'clock.

5 H

THURSDAY MORNING, DECEMBER 10, 1846.

The House met pursuant to adjournment.

The Speaker announced the following as the order of business for the government of this House during the present session.

ORDER OF BUSINESS.

I. Reading of the Journal.
II. Petitions, memorials, and remonstrances.
III. Reports from standing committees:
  1st. On elections.
  2d. On ways and means.
  3d. On the judiciary.
  4th. On education.
  5th. On military affairs.
  6th. On the affairs of the State Prison.
  7th. On the affairs of the town of Indianapolis.
  8th. On claims.
  9th. On roads.
  10th. On canals and internal improvements.
  11th. On agriculture.
  12th. On corporations.
  13th. On the State Bank.
  14th. On public expenditures.
  15th. On the trust funds.
  16th. On benevolent and scientific institutions.
IV. Reports from joint standing committees.
  1st. On public buildings.
  2d. On the canal fund.
  3d. On the State library.
V. Reports from select committees.
VI. Resolutions of the House.
VII. Joint resolutions.
VIII. Bills.
IX. Orders of the day.

On motion by Mr. Secrest,

Two hundred copies of the above were ordered to be printed for the use of the members of this House.

The Speaker appointed the following standing committees, to wit:

STANDING COMMITTEES.

ON ELECTIONS.

Messrs. Suit, Wiley, Trimble, Parker, Huff, Johnson, and Hanna.

ON WAYS AND MEANS.

Messrs. Secrest, Fry, Anthony, Carr of Lawrence, Hendricks, Colms, and Carnahan.

ON THE JUDICIARY.

Messrs. Stanfield, Porter, Dunham, Harvey, Julian, Sleeth, and Palmer.

ON EDUCATION.

Messrs. Hunt, Hicks, Moore, Nofsinger, Hamilton, Norton, and Neal.

ON THE STATE BANK.

Messrs. Cravens, Hull, Smiley, Edwards, Wolfe, Noel, and Tebbs.

ON MILITARY AFFAIRS.

Messrs. Fuller, Jones of Blackford, Harding, Tait, Dunham, Walker, and Huff.

ON THE STATE PRISON.

Messrs. Ferguson, Shields, Anthony, Harlan, Miller, Griffis, and Huddleston.

ON THE TOWN OF INDIANAPOLIS.

Messrs. Harding, Griffis, Hill, Balding, Summers, Hatfield, and Parks.

ON CLAIMS.

Messrs. Thompson, Hall of Warren, May, Clark, Holland, Lutz, and Lemmonds.

ON ROADS.

Messrs. Meredith, Scott, Thomas, Decker, Brown, Deam, and Hall of Posey.

ON CANALS, &c.

Messrs. Dole, Dowling, Logan, Jones of Greene, Lewis, Kerr, and Walker.

ON AGRICULTURE.

Messrs. Powell, Gordon, Woodruff, Osborn, Wise, Green, and Huffstetter.

ON CORPORATIONS.

Messrs. Porter, Fry, Harlan, Cassatt, Suit, Wilson, and Miller.

ON ENROLLED BILLS.

Messrs. Tait, Cassatt, Carr of Lawrence, and Deam.

ON ENGROSSED BILLS.

Messrs. Crookshank, Sleeth, Hostetter, and Huddleston.

ON PUBLIC EXPENDITURES.

Messrs. Hostetter, Carr of Clark, Holman, Arnold, Gordon, Cassatt, and Parker.

ON THE TRUST FUNDS.

Messrs. Stewart of Fayette, Stewart of Laporte, Dobson, Hicks, Young, Addleman, and Gilleece.

ON BENEVOLENT AND SCIENTIFIC INSTITUTIONS.

Messrs. Watts, Yaryan, Tait, Tackett, McCormack, Crookshank, and Mason.

—

JOINT COMMITTEES.

ON PUBLIC BUILDINGS.

Messrs. Noel, McCormack, and Monk.

ON THE CANAL FUND

Messrs. Colms, Jenison, and Brown.

ON THE STATE LIBRARY.

Messrs. Yaryan, Sleeth, and Harvey.

On motion by Mr. Secrest,

Two hundred copies of the above and foregoing were ordered to be printed for the use of the members of this House.

PETITIONS, MEMORIALS &C., PRESENTED.

By Mr. Balding, the petition of John Thrush and others, praying for a State road on the line dividing the counties of De Kalb and Steuben;

Which was referred to a select committee, consisting of Messrs. Balding, Harlan, and Hall of Posey.

By Mr. Hatfield, a petition for swinging gates, &c., in Hancock county; which was,

On motion by Mr. Thompson,

Referred to a select committee, consisting of Messrs. Hatfield, Sleeth, and Powell.

By Mr. Harding, a petition in regard to surplus water power in the central canal near Indianapolis;

Which was referred to a select committee, consisting of Messrs. Harding, Hall of Warren, and Osborn.

By Mr. Brown, a petition for the appointment of commissioners to view and locate a State road from New London, in Richardville

county, to the point where the Michigan State road crosses Deer creek;

Which was referred to the committee on roads.

By Mr. Carnahan, the petition of J. B. Gardner and others, in relation to the vacation of a portion of the town of Blairsville Posey county;

Which was read and referred to a select committee, consisting of Messrs. Carnahan, Stewart of Fayette, and Trimble.

By Mr. Harlan, the petition of James Brownlee, praying the passage of an act to legalize the acts of the board of commissioners of the county of Grant;

Which was referred to a select committee, consisting of Messrs. Harlan, Balding, and Hostetter.

By Mr. Harlan, the petition of Isaac Hites, praying for a divorce from Mary Ann Hites; which was,

On motion by Mr. Wiley,

Laid upon the table.

Mr. Yaryan offered the following resolution:

Resolved, That the House during the present session will, in no *instance*, receive any bill or petition to grant divorce or divorces, where any circuit court of this State may grant the same under the laws thereof.

Mr. Porter moved the following amendment:

Strike out from the resolving clause, and insert the following:—"That the General Assembly of this State has not the constitutional power to pass special acts granting divorces, and if it had the power, it would be inexpedient to exercise it."

Which was accepted by Mr. Yaryan.

Mr. Thompson moved to strike out after the word resolved, and insert the following:

"This House will, in no instance, during the present session, pass any bill the object of which is to obtain a divorce.

Mr. Harlan moved to lay the resolution and amendments on the table;

Which motion did not prevail.

Mr. Thompson then withdrew his amendment.

The question then being on the adoption of the original resolution,

Mr. Dole offered the following amendment:

Resolved, That as the General Assembly of this State, has from its origin, exercised the power of granting divorces with the sanction of the executive and judicial department of the government, it is now impolitic and inexpedient for this House to pass a resolution declaring that in no case whatever does the Legislature possess such power."

Mr. Harvey moved to lay the amendment on the table.

On this motion,

Messrs. Miller and Harvey demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Carr of Lawrence, Carnahan, Colms, Cravens, Crookshank, Decker, Dole, Dowling, Gordon, Griffis, Green, Hall of Posey, Hanna, Harvey, Hatfield, Hicks, Holland, Huddleston, Huff, Huffstetter, Johnson, Jones of Greene, Julian, Kerr, Lutz, Mason, May, Monk, Moore, Neal, Nofsinger, Osborn, Porter, Powell, Scott, Secrest, Shields, Smiley, Stanfield, Stewart of Fayette, Suit, Summers, Tackett, Tait, Thompson, Trimble, Watts, Wiley, Wilson, Woodruff, Yaryan, Young, and Mr. Speaker—54.

Those who voted in the negative are,

Messrs. Anthony, Arnold, Brown, Balding, Carr of Clark, Cassatt, Clark, Deam, Dobson, Dunham, Edwards, Ferguson, Fry, Fuller, Gilleece, Hall of Warren, Hamilton, Harding, Harlan, Hendricks, Hill, Holman, Hull, Hunt, Jones of Blackford, Lemmonds, Lewis, Logan, McCormack, Miller, Noel, Palmer, Parker, Parks, Sleeth, Stewart of Laporte, Tebbs, Thomas, Walker, Wise, and Wolfe—41.

So said motion did not prevail.

The question then being on the adoption of the resolution as amended,

Mr. Thompson moved to strike out "and if it had been expedient, &c." in the amendment;

Which motion prevailed.

Mr. Secrest moved to insert in its proper place the following clause:

"That in the opinion of this House," &c.;

Which amendment was adopted.

The question then being,

"Shall the resolution as amended be adopted?"

On this motion,

Messrs. Secrest and Powell demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Brown, Carr of Lawrence, Clark, Colms, Cravens, Crookshank, Deam, Decker, Dunham, Gilleece, Gordon, Griffis, Green, Hall of Warren, Hanna, Harding, Harvey, Hatfield, Hicks, Holland, Holman, Huddleston, Jones of Blackford, Jones of Greene, Julian, Kerr, McCormack, Moore, Neal, Nofsinger, Norton, Osborn, Porter, Scott, Secrest, Shields, Stanfield, Stewart of Fayette, Suit, Summers, Tackett, Thomas, Trimble, Watts, Wiley, Woodruff, Yaryan, and Mr. Speaker—49.

Those who voted in the negative are,

Meesrs. Anthony, Arnold, Balding, Carr of Clark, Carnahan, Cas-

satt, Dobson, Dole, Dowling, Edwards, Ferguson, Fry, Fuller, Hall of Posey, Hamilton, Harlan, Hendricks, Hill, Hostetter, Huff, Huffstetter, Hull, Hunt, Johnson, Lemmonds, Lewis, Logan, Mason, May, Miller, Monk, Noel, Palmer, Parker, Parks, Powell, Sleeth, Smiley, Stewart of Laporte, Tait, Tebbs, Thompson, Walker, Wilson, Wise, Wolf, and Young—47.

So said resolution was adopted.

On motion by Mr. Noel,

Resolved, That the use of this Hall be granted, on Tuesday evening next, to Mrs. Irwing, a teacher of music connected with St. Mary's Seminary, of this city, for the purpose of giving a concert of vocal and instrumental music.

On motion by Mr. Colms,

Resolved, That five thousand copies of the inaugural message of the Governor be printed for the use of the members of this House—one thousand of which shall be in the German language.

On motion by Mr. Fry,

Resolved, That the judiciary committee be requested to examine, (whether under the statute of 1843) a ne exeat law is in force, and if not, that they be requested to inquire into the expediency of reviving said law, with such amendments as they may deem expedient, and report the same to this House.

On motion by Mr. Huff,

Resolved, That the Governor's message be referred to a committee of the whole, and made the special order of the day for to-morrow at two o'clock, P. M.

Mr. Moore offered the following:

Resolved, That the Doorkeeper be directed to furnish each member of this House with three copies of the tri-weekly State Journal, and two copies of the tri-weekly State Sentinel, during its present session, to be paid for by the State.

Mr. Harvey moved to lay upon the table.

And, on this motion,

Messrs. Harvey and Colms demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Arnold, Carr of Lawrence, Clark, Colms, Cravens, Dobson, Griffis, Green, Hall of Warren, Hamilton, Hanna, Harlan, Harvey, Hatfield, Hicks, Holland, Huddleston, Huffstetter, Hunt, Jones of Blackford, Jones of Greene, Julian, Lewis, Logan, McCormack, Miller, Monk, Nofsinger, Osborn, Scott, Secrest, Shields, Smiley, Stewart of Fayette, Suit, Summers, Tacket, Thomas, Trimble, Watts, Wiley, Wilson, and Wise—45.

Those who voted in the negative are,

Messrs. Anthony, Brown, Balding, Carr of Clark, Carnahan, Cas-

satt, Crookshank, Deam, Decker, Dole, Dowling, Dunham, Edwards, Ferguson, Fry, Fuller, Gilleece, Gordon, Hall of Posey, Harding, Hendricks, Hill, Holman, Hostetter, Huff, Hull, Johnson, Kerr, Lemmonds, Lutz, Mason, May, Moore, Neal, Noel, Norton, Palmer, Parker, Parks, Powell, Sleeth, Stanfield, Stewart of Laporte, Tait, Thompson, Walker, Wolf, Woodruff, Yaryan, Young, and Mr. Speaker—51.

So said motion did not prevail.

Mr. Crookshank moved to indefinitely postpone the whole subject.

On this motion,

Messrs. Harvey and Carr demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Arnold, Carr of Clark, Carr of Lawrence, Clark, Colms, Cravens, Crookshank, Dobson, Dunham, Griffis, Green, Hall of Warren, Hamilton, Hanna, Harvey, Hatfield, Hicks, Holland, Huddleston, Huff, Huffstetter, Hunt, Jones of Greene, Lewis, Logan, Lutz, Mason, McCormack, Miller, Monk, Nofsinger, Norton, Osborn, Powell, Scott, Secrest, Shields, Sleeth, Smiley, Summers, Tackett, Thomas, Trimble, Watts, Wiley, and Wise—47.

Those who voted in the negative are,

Messrs. Addleman, Brown, Balding, Carnahan, Cassatt, Deam, Decker, Dole, Dowling, Edwards, Ferguson, Fry, Fuller, Gilleece, Gordon, Hall of Posey, Harding, Harlan, Hendricks, Hill, Holman, Hostetter, Hull, Johnson, Jones of Blackford, Julian, Kerr, Lemmonds, May, Moore, Neal, Noel, Palmer, Parker, Parks, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Tait, Tebbs, Thompson, Walker, Wilson, Wolf, Woodruff, Yaryan, Young, and Mr. Speaker—48.

So said resolution was not indefinitely postponed.

The question then being on the adoption of the resolution,

Mr. Miller moved to strike out "two copies of the Indiana State Sentinel" and insert "ten copies of the same."

Mr. Fuller then demanded the previous question.

Which was seconded by the House.

The question then being,

"Shall the main question be now put?"

It was decided in the affirmative.

And the main question being,

"Shall the resolution be adopted?"

Messrs. Miller and Colms demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Balding, Carr of Clark, Carnahan, Cassatt,

Clark, Deam, Decker, Dole, Dowling, Edwards, Ferguson, Fry, Fuller, Gordon, Hall of Posey, Harding, Harlan, Hatfield, Hendricks, Hill, Hostetter, Hull, Johnson, Jones of Blackford, Julian, Kerr, Lemmonds, May, Moore, Neal, Noel, Palmer, Parker, Parks, Porter, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Tait, Tebbs, Thompson, Walker, Wolf, Woodruff, Yaryan, Young, and Mr. Speaker—49.

Those who voted in the negative are,

Messrs. Anthony, Arnold, Brown, Carr of Lawrence, Colms, Cravens, Crookshank, Dobson, Dunham, Gilleece, Griffis, Green, Hall of Warren, Hamilton, Hanna, Harvey, Hicks, Holland, Holman, Huddleston, Huff, Huffstetter, Hunt, Jones of Greene, Lewis Logan, Lutz, Mason, McCormack, Miller, Monk, Nofsinger, Norton, Powell, Scott, Secrest, Shields, Sleeth, Smiley, Summers, Tackett, Thomas, Trimble, Watts, Wiley, Wilson, and Wise—47.

So said resolution was adopted.

Mr. Julian offered the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the existing laws on the subject, as to allow any creditor of any decedent to sue for the amount due from such decedent at any time after the grant of letters testamentary or of administration, in all cases where the amount of any such claim is not allowed by such executor or administrator.

Which was,

On motion by Mr. Secrest,

Amended as follows:

"And that execution be stayed until the expiration of one year from the granting of letters, as now allowed by law, in reference to suits."

And the resolution, as amended, was,

On motion,

Adopted.

On motion by Mr. Dowling,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the 72d chapter of the Revised Code, ("the act supplemental to the act subjecting real and personal property to execution,") and all other laws for the collection of debts, as to provide for the gradual modification of the stay and valuation laws with reference to future contracts, so as to facilitate the collection of debts, and as a means of restoring that confidence between our citizens in their dealings which existed previous to the pecuniary revulsion which led to the enactment of our present collection and unreasonably high valuation laws.

Mr. Lewis offered the following resolution:

Resolved, That this House will not amend any law, during this session, (the Senate concurring,) by a reference to its title, but when

a law is amended, all the law on the subject shall be embraced in one act, and all acts and parts of acts repealed but the one last acted on.

Which was not adopted.

Mr. Harvey offered the following resolution:

Resolved, That the committee on elections be instructed to inquire into the expediency of repealing or modifying the law confining voters to their own townships, and that said committee report by bill or otherwise.

Which was not adopted.

On motion by Mr. Watts,

Resolved, That the committee on the judiciary inquire into the expediency of so amending the fortieth section of chapter thirty-five of the Revised Statutes as to authorize the circuit courts to grant divorces for wilful abandonment of one year without the intention of returning.

BILLS INTRODUCED.

By Mr. Harvey:

No. 3. A bill fixing the mode of publishing sales of lands returned delinquent for the non-payment of taxes.

By Mr. Holman:

No. 4. An act providing for the correction of errors in patents for lands sold by the State.

By Mr. Dunham:

No. 5. An act providing for holding a convention to revise and amend the constitution of the State of Indiana.

By Mr. Yaryan:

No. 6. An act to repeal an act entitled an act to authorize the people of Fayette and other counties therein named to elect three seminary trustees, approved January 15th, 1846.

By Mr. Scott:

No. 7. A bill in relation to county roads.

By Mr. Hamilton:

No. 8. An act to incorporate the Decatur County Medical Society.

By Mr. Wiley:

No. 9. An act to repeal an act therein named.

By Mr. Watts:

No. 10. A bill explanatory of the act therein named.

By Mr. Moore:

No. 11. An act relative to loaning school funds.

By Mr. Cassatt:

No. 12. A bill to provide for the issue of patents upon tax sales of Wabash and Erie Canal lands.

By Mr. Harding:

No. 13. A bill for the extension of the time of redeeming lands sold for taxes, and for other purposes.

By Mr. Sleeth:

No. 14. An act to legalize the publications of the lands returned and remaining delinquent, and sales thereof, for taxes due thereon in the county of Shelby, for the years 1844 and 1845.

By Mr. Norton:

No. 15. A bill to amend an act entitled "An act fixing the time of holding courts in the ninth judicial circuit."

Which were each read a first time and ordered to a second reading on to-morrow.

On motion by Mr. Palmer,

Resolved, That the Public Printer be instructed to furnish to this House, with the Governor's Message, five hundred copies of the documents accompanying the same.

ORDERS OF THE DAY.

Bill No. 1. An act for the extension of the time of holding the probate courts in the county of Putnam.

Which was read a second time, amended by adding the counties of St. Joseph, Lawrence, Harrison, and Wayne, and the bill as amended ordered to be engrossed for a third reading on to-morrow.

Bill No. 2. A bill to authorize the judges of the Lawrence circuit and probate courts to devise new seals for their respective courts.

Which was read a second time, the rules suspened, bill considered as engrossed, read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Summers,

The House adjourned until two o'clock, P. M.

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2 *o'clock*, *P. M.*

House met.

Mr. Harlan, chairman of the select committee to which was referred the petition of James Brownlee, auditor of the county of Grant, on leave having been granted, made the following report.

Mr. Speaker:

The select committee to which was referred the petition of James Brownlee, auditor of the county of Grant, and State of Indiana, have directed me to report the following bill:

No. 16. A bill to legalize the acts of the board of commissioners of the county of Grant.

Which was read a first and second times—the rules being suspended—and referred to the judiciary committee.

The following message was received from the Senate by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate have passed the following bill:

No. 2. A bill declaring a misprint in certain names therein mentioned.

In which the concurrence of the House is respectfully requested.

Said bill of the Senate, No. 2, was read a first time and ordered to a second reading on to-morrow.

BILLS INTRODUCED.

By Mr. Parker:

No. 17. An act to repeal an act amending the two hundred and eighteenth section of chapter thirteenth, page 267 of the Revised Code.

By Mr. Hall of Posey:

No. 18. A bill to incorporate the town of Mount Vernon.

By Mr. Cassatt:

No. 19. An act for the relief of the purchasers of canal lands.

By Mr. Moore:

No. 20. An act for the relief of the heirs of Thomas Berry.

By Mr. Harlan:

No. 22. A bill to declare the name of Ann Frankbower a misprint.

By Mr. Harvey:

No. 23. An act relative to a certain school district in Hendricks county.

By Mr. Trimble:

No. 25. An act changing the time of holding the probate court of the county of Delaware.

By Mr. Norton:

No. 26. An act in relation to road tax in Elkhart county.

Were each severally read a first time, and ordered to a second reading on to-morrow.

By Mr. Cravens:

No. 21. A bill to provide for a settlement with the former superintendent of the State Prison;

Which was read three several times—the rules being suspended therefor—and passed.

Ordered, That the clerk inform the Senate thereof.

By Mr. Dowling:

No. 24. An act repealing all laws allowing docket fees, except in certain cases;

Was read a first and second times—the rules being suspended—and referred to the judiciary committee.

Mr. Thompson offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of reporting a bill to make it the duty of the clerks of the circuit court whenever an appeal is prayed and an appeal bond filed, from the opinion of the judges of the circuit court to the Supreme Court; also, when a case is ordered up on a writ of error, that it shall be the duty of the clerk of such circuit court to make out a true and complete transcript of the proceedings and judgment of such court, and cause the same to be delivered to the clerk of the Supreme Court within ninety days, and a failure to do so, shall be subject to indictment and fine in any sum not exceeding fifty dollars, unless he can show good cause why he has not complied with this provision.

Which was adopted.

On motion by Mr. Carr of Lawrence,

Resolved, That any member of this House having any bill, resolution, petition, memorial, or remonstrance, or other matter of which he was the mover or introducer referred to any of the standing committees of this House, he shall have the right to meet with and act as a member of said committee during the time said committee may have such subject under consideration.

On motion by Mr. Watts,

Resolved, That the committee on the judiciary be directed to inquire into the economy and expediency of changing the manner of doing probate business by the organization, throughout the State, of probate circuits: and

On motion by Mr. Fuller,

The House adjourned until to-morrow morning, nine o'clock, A. M.

FRIDAY MORNING, December 11th, 1846.

The House met pursuant to adjournment.

The Speaker laid before the House reports from the Branches of the State Bank at Lafayette, Madison, Michigan City, Bedford, Evansville, Terre Haute, Vincennes, South Bend, and the Branch at Indianapolis.

Which was,
On motion by Mr. Colms,
Referred to the committee on the State Bank.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Lewis, the petition of sundry citizens of congressional township No. 11, north of range seven west, in Clay county, in regard to the sale of certain lands therein mentioned and described;

Which was referred to a select committee consisting of Messrs. Lewis, Carr of Lawrence, and Huffstetter.

By Mr. Colms, the petition of Parry A. Lewis of Kosciusko county, asking for a divorce from her husband, Hiram K. Lewis;

Which was,
On motion by Mr. Secrest,
Laid upon the table.

By Mr. Dunham, a petition for the relief of William Smith;

Which was referred to the committee on claims.

By Mr. Deam, a petition for the appointment of commissioners to locate a road in Wells and Adams counties;

Which was referred to the committee on roads.

By Mr. Hendricks, a petition in regard to the jurisdiction of justices of the peace;

Which was referred to the committee on the judiciary.

By Mr. Clark, a petition for the repeal of a certain law therein named;

Which was referred to a select committee consisting of Messrs. Clark, Stanfield and Hill.

By Mr. Parker, a petition for the change of the manner of doing county business;

Which was referred to a select committee consisting of Messrs. Parker, Dowling, and Stewart of Laporte.

By Mr. Parker, a petition for the laying of a certain additional tax for road purposes;

Which was referred to a select committee consisting of Messrs. Parker, Dowling, and Stewart of Laporte.

By Mr. Hanna, the petition of William Smith and others, praying for a change in a certain State road in Carroll county;

Which was referred to the committee on roads.

By Mr. Cassatt, a petition for the sale of the sixteenth section of township number twenty-seven north, of range number seven east, in the county of Wabash;

Which was referred to a select committee consisting of Messrs. Cassatt, Carr of Clark, and Clark.

By Mr. Hendricks, a petition praying for the amendment of the city charter of Madison;

Which was referred to a select committee of Messrs. Hendricks, Holland, and Tait.

By Mr. Hanna, the petition of John House and others, praying for a change in a certain State road;

Which was referred to the committee on roads.

By Mr. Brown, a petition of certain citizens of Cass county, for the change of the school law so as to give the control of the funds to trustees for each respective township;

Which was referred to the committee on education.

By Mr. Brown, a petition on the same subject as above;

Which was referred to the same committee.

By Mr. Harlan, the petition of William Lomax and wife to change the name of Ellen Loudenberger to Ellen Lomax;

Which was referred to a select committee of Messrs. Harlan, Balding, and Hall of Posey.

By Mr. Hull, a petition from citizens of Jefferson county paying the extension of the jurisdiction of justices, and the repeal of all appraisment and valuation laws;

Which was referred to the committee on the judiciary.

By Mr. Harlan, the petition of A. Steele and others, praying to increase the salary of the auditor of the county of Grant;

Which was referred to a select committee of Messrs. Harlan, Logan, and Moore.

By Mr. Gilleece, the petition of Frederick Kontz and others, praying to amend the road law;

Which was referred to the committee on roads.

By Mr. Harlan, the petition of Thomas Dean and others, praying for the erection of a mill dam across the Mississinnewa river;

Which was referred to a select committee of Messrs. Harlan, Huffstetter, and Decker.

By Mr. Wise, the petition of certain citizens of town. number four north, of range number ten east, in Jefferson county, in regard to the school funds of that district, and also, of certain other matters in the petition mentioned;

Which was referred to a select committee of Messrs. Wise, Harvey, and Edwards.

By Mr. Clark, a petition from sundry citizens of Lagrange county praying the passage of an act to compel speculators to pay a road tax equal to that of actual settlers;

Which was referred to a select committee of Messrs. Clark, Stanfield, and Hill.

Mr. Harlan presented the depositions in the case of Hite for a divorce;

Which was laid on the table.

Mr. Harlan moved to take from the table the resolution on going into the election of President Judge of the eighth judicial circuit today at ten o'clock;

Which motion did not prevail.

On motion by Mr. Carr of Lawrence,

Resolved, That the committee on military affairs be instructed to

inquire if any further legislation is necessary for the thorough organization of the militia of the State, and if any, what, and that they report by bill or otherwise.

On motion by Mr. Summers,

Resolved, That the provisions of a resolution adopted on yesterday, authorizing the door-keeper to contract with the editors of the Journal and Sentinel for newspapers for the use of the members of the House, be extended to the clerks and door-keeper of this House.

Mr. Stewart of Fayette offered the following:

Resolved, That the judiciary committee be instructed to report at the earliest possible time, a bill making debts within the jurisdiction of justices of the peace collectable in the township in which they are contracted.

Which was,

On motion,

Laid upon the table.

On motion by Mr. Holland,

Resolved, That the committee on the judiciary be instructed to report whether any and what reduction should be made in the salaries and fees of the various officers of the State, including the executive, legislative, and judiciary departments thereof, and more especially as to the fees of clerks of the circuit court, sheriffs, county treasurers, auditors, school commissioners, and recorders; and also, whether the fees of witnesses and jurors should not be raised; and that said committee report thereon by bill or otherwise.

On motion by Mr. Suit,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so changing the existing laws in respect to the jurisdiction of the probate courts of this State, that in all cases in which the circuit and probate courts have concurrent chancery jurisdiction, to confer on the circiuit court exclusive jurisdiction in such cases.

On motion by Mr. Hill,

Resolved, That the committee on roads be instructed to inquire into the expediency of so amending the law as to authorize supervisors of roads to collect the road tax in their respective districts, and so as not to require the road tax to go on to the duplicate; and that they report by bill or otherwise.

On motion by Mr. Sleeth,

Resolved, That the committee on roads be instructed to inquire into the expediency of so amending the law, that each road district may elect its own supervisor.

On motion by Mr. Brown,

Resolved, That the committee on education be instructed to inquire into the expediency of revising the common school law.

On motion by Mr. Powell,

Resolved, That the committee on ways and means be instructed to inquire into the expediency of so amending the laws in relation

to the sale of real estate for delinquent taxes, so that the same may be redeemed at any time, by the owner or his agent paying into the county treasury within two years, the amount of taxes, interest, and cost, due against the same, and the rate of twenty-five per cent. to the purchaser thereof; with leave to report by bill or otherwise.

On motion by Mr. Dowling,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the mechanic's lien law, as to give mechanics the right of a lien on buildings where the amount due is less than thirty dollars.

Mr. Harlan offered the following:

Resolved, That this House will (the Senate concurring therein) proceed to elect a Treasurer of State, an Auditor of State, and a President Judge of the eighth judicial circuit of the State of Indiana, at 2 o'clock, P. M., of this day.

Mr. Colms moved to lay the rosolution on the table.

On this motion,

Messrs. Logan and Carr of Lawrence demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Brown, Carr of Lawrence, Cassatt, Clark, Colms, Cravens, Decker, Dole, Dowling, Edwards, Ferguson, Fry, Gordon, Griffis, Green, Hall of Posey, Hall of Warren, Hamilton, Harding, Harvey, Hatfield, Hendricks, Hicks, Hill, Holland, Holman, Hostetter, Huddleston, Huff, Huffstetter, Hull, Hunt, Julian, Kerr, Lewis, Lutz, May, McCormack, Meredith, Monk, Moore, Noel, Parker, Porter, Powell, Scott, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tait, Thomas, Thompson, Trimble, Walker, Watts, Wiley, Wise, Woodruff, Yaryan, and Mr. Speaker—64.

Those who voted in the negative are,

Messrs. Arnold, Balding, Carr of Clark, Carnahan, Crookshank, Deam, Dobson, Dunham, Fuller, Gilleece, Hanna, Harlan, Johnson, Jones of Blackford, Jones of Greene, Lemmonds, Logan, Mason, Miller, Neal, Nofsinger, Norton, Osborn, Palmer, Parks, Secrest, Shields, Sleeth, Smiley, Tackett, Wilson, Wolfe, and Young—34.

So said resolution was laid upon the table.

The following message was received from the Senate, by Mr. Jones, their Secretary:

Mr. Speaker:

I am directed by the Senate to inform the House, that the Senate

have passed the following engrossed bills of the House of Representatives, without amendment:

No. 2. A bill to authorize the judges of the Lawrence county circuit and probate courts, to devise new seals for their respective courts.

No. 21. A bill to provide for a settlement with the former superintendent of the State Prison.

On motion by Mr. Dunham,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the revenue laws, that each township shall, at their April election, elect an assessor and collector for the township, and so to restrict the duties of the county treasurer that he shall be merely a receiving and dispensing officer; and to report by bill or otherwise.

BILLS INTRODUCED.

By Mr. Fuller:

No. 27. A bill for the better regulation of the county board in the county of Warrick.

By Mr. Lemmonds:

No. 28. A bill to repeal a certain law therein named.

By Mr. Balding:

No. 29. An act to establish a State road on a portion of the dividing line of the counties of DeKalb and Steuben.

By Mr. Holland:

No. 30. An act to provide for the punishment of certain crimes therein named.

By Mr. Dowling:

No. 32. An act to amend an act entitled "An act to prohibit the making, issuing, or circulating small notes or bills," approved January 20th, 1841.

By Mr. Hamilton:

No. 33. An act to incorporate the Clifty band of musicians, in Decatur county.

By Mr. Hendricks:

No. 37. A bill authorizing masters in chancery to take acknowledgements, &c.

By Mr. Stewart of Laporte:

No. 39. A bill to vacate the town of Independence, in Laporte county.

By Mr. Gilleece:

No. 40. A bill to authorize masters in chancery and county auditors to take the acknowledgement of deeds, &c.

Which were severally read a first time, and ordered to a second reading on to-morrow.

By Mr. Secrest:

No. 31. A bill for the relief of Thomas Wood and John Curtis;

Which was read a first and second times—the rules being suspended—and referred, with the accompanying evidence, to the committee on canals and internal improvements.

By Mr. Julian:

No. 34. A bill to increase the salaries of probate judges;

Was read a first and second times—the rules being suspended—and referred to the committee on the judiciary.

By Mr. Colms:

No. 35. An act empowering the commissioners of Kosciusko county to hold certain real estate;

Which was read a first and second times, the rules being suspended, and ordered to be engrossed for a third reading on to-morrow.

By Mr. Colms:

No. 36. An act to authorize the election of county surveyor in the county of Kosciusko by the people;

Which was read a first and second times, the rules being suspended, and referred to the judiciary committee.

By Mr. Colms:

No. 38. An act for the regulation of the publication of the delinquent list in the State of Indiana;

Which was read a first and second times, the rules being suspended, and referred to the committee on ways and means.

Mr. Thompson gave notice that on Monday next, he would move to amend the rules so as not to restrict the standing committees to the number of seven, and also for the House hereafter to elect their own committees.

ORDERS OF THE DAY.

House Bills on third reading.

No. 1. An act for the extension of the time of holding the probate courts in the counties of Putnam, St. Joseph, Lawrence, Harrison and Wayne;

Which was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

SENATE BILLS.

No. 2. A bill declaring a misprint in certain names therein mentioned;

Which was read a second time and ordered to a third reading on to-morrow.

HOUSE BILLS ON SECOND READING.

No. 3. A bill fixing the mode of publishing sales of lands returned delinquent for the non-payment of taxes;

No. 12. A bill to provide for the issue of patents upon tax sales of Wabash and Erie canal lands;

No. 13. A bill for the extension of the time of redeeming lands sold for taxes, and for other purposes;

Which were each read a second time and referred to the committee on ways and means.

No. 4. An act providing for the correction of errors in patents for lands sold by the State;

No. 9. An act to repeal an act therein named;

No. 10. A bill explanatory of the act therein named;

No. 14. An act to legalize the publication of the lands returned and remaining delinquent and sales thereof for taxes due thereon in the county of Shelby for the years 1844 and '45;

Which were each read a second time and referred to the committee on the judiciary;

No. 15. A bill to amend an act entitled "An act fixing the time of holding the courts in the ninth judicial circuit," approved January 19, 1846;

Which was read a second time—amended on motion of Mr. Colms, as follows:

"Also twelve days in the county of Kosciusko, if the business require it," and the bill as amended was referred to the committee on the Judiciary.

No. 5. An act providing for holding a Convention to revise and amend the Constitution of the State of Indiana;

Which was read a second time, and, on motion by Mr. Porter, laid on the table.

No. 6. An act to repeal an act entitled "An act to authorize the people of Fayette and other counties therein named to elect three Seminary trustees," approved January 15, 1846;

Which was read a second time—amended by inserting the county of St. Joseph, and the bill ordered to be engrossed for a third reading on to-morrow.

No. 7. A bill in relation to county roads;

Which was read a second time and referred to the committee on roads.

No. 8. An act to incorporate the Decatur County Medical Society;

Which was read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 11. An act relative to loaning school funds;

Which was read a second time and referred to the committee on the trust funds.

No. 17. An act to repeal an act entitled "An act amending the 218th section of chapter 15, page 267, of the Revised Code;"

Which was read a second time and referred to a select committee of Messrs, Palmer, Porter and Carr of Lawrence.

No. 18. A bill to incorporate the town of Mount Vernon;

Which was read a second time and referred to the committee on Corporations.

No. 19. An act for the relief of purchasers of Canal lands;

Which was read a second time and referred to the committee on Canals and Internal Improvements.

No. 20. An act for the relief of the heirs of Thomas Berry;

Which was read a second time and referred to a select committee of Messrs. Moore, Carnahan and Stewart of Laporte.

No. 22. A bill to declare the name of Ann Frankbower a misprint;

Which was read a second time and ordered to be engrossed.

No. 23. An act relative to a certain school district in Hendricks county;

Which was read a second time and referred to the committee on Education.

No. 25. An act changing the time of holding the Probate Court of the county of Delaware.

No. 26. An act in relation to road tax in Elkhart county;

Which were each read a second time and ordered to be engrossed for a third reading.

On motion by Mr. Yaryan,

The House adjourned until 2 o'clock, P. M.

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2 *o'clock, P. M.*

The House met.

The Speaker laid before the House the report of the Agent of State; Which was,

On motion by Mr. Palmer, laid on the table, and five hundred copies ordered to be printed.

On motion by Mr. Secrest,

The consideration of the Governor's Message, which was set for to-day at 2 o'clock, P. M., was postponed until to-morrow, 2 o'clock, P. M.

Mr. Lutz, on leave, introduced the following bill:

No. 41. A bill to vacate certain streets and alleys in the town of Noblesville, in Hamilton county;

Which was read a first time and ordered to a second reading on to-morrow.

The Speaker laid before the House the report of the trustees for educating the blind;

Which was laid upon the table, and five hundred copies ordered to be printed.

Mr. Tait made the following report:

Mr. Speaker:

The committee on enrolled bills have compared the enrolled with the engrossed bill entitled "An act to provide for the settlement with the former Superintendent of the State Prison and find the same truly enrolled.

On motion by Mr. Porter,
The House adjourned until to-morrow morning, 9 o'clock, A. M.

SATURDAY MORNING, December 12th, 1846.

The House met pursuant to adjournment.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Hendricks, a petition from certain German citizens praying for the appropriation of a portion of the common school fund for the purpose of instructing German children in their mother tongue.

Which was referred to the committee on education.

By Mr. Meredith, the petition of Benjamin Fisher and others to amend the school law.

Which was referred to a select committee of Messrs. Meredith, Scott, and Carr of Lawrence.

By Mr. Carr of Clark, the petition of sundry German citizens praying for the appropriation of a portion of the common school fund for the purpose of instructing German children in their mother tongue.

Which was referred to the committee on education.

By Mr. Shields, the petition of sundry German citizens for the same object as the preceding one.

Which was referred to the committee on education.

By Mr. Hull, a petition from sundry colored citizens of Jefferson county praying that a portion of the school fund be set apart for their benefit, &c.

Which was referred to the committee on scientific and benevolent institutions.

By Mr. Griffis, a petition for the appointment of viewers to view and locate a State road from Winchester in Randolph county, to Hagarstown in Wayne county.

Which was referred to a select committee of Messrs. Griffis, Trimble, and Harlan.

By Mr. Anthony, the petition of sundry German citizens in regard to the common school fund.

Which was referred to the committee on education.

By Mr. Huffstetter, a petition for the vacation of a portion of the town of Orleans.

Which was referred to a select committee of Messrs. Huffstetter, May, and Carr of Lawrence.

By Mr. Lemmonds, a petition of sundry German citizens of Dubois county, in relation to the common school fund.

Which was referred to the committee on education.

By Mr. Dobson, a petition for the repeal of a certain law therein mentioned.

Which was referred to the committee of ways and means.

By Mr. Dunham, the petition of S. P. Morgan asking for relief.

Which was referred to the committee on claims.

By Mr. Mason, a petition for the change of the laws in regard to the protection of persons assembled for religious worship.

Which was referred to the committee on the judiciary.

By Mr. Gordon, a petition from sundry German citizens in regard to the change of the school law.

Which was referred to the committee on education.

By Mr. Meredith, a petition from sundry citizens of Cambridge City praying for an amendment in their city charter.

Which was referred to the committee on corporations.

By Mr. Julian, the petition of Daniel Mace and others relative to the appointment of a reporter to the supreme court.

Which was referred to the committee on the judiciary.

By Mr. Hamilton, the petition of two hundred and forty-one citizens of the county of Decatur to repeal a certain law therein named, authorizing a majority of any town or township to remonstrate against granting licenses to vend liquors, so far as Decatur is concerned.

Which was referred to a select committee of Messrs. Hamilton, Cravens, and Brown.

By Mr. Clark, a petition from certain citizens of Lagrange county for the passage of a certain bill therein contained.

Which was referred to the committee on education.

By Mr. Norton, a petition from the inhabitants of a certain school district in Elkhart county for the assessment of a tax sufficient to pay the debt of said district.

Which was referred to the committee on education.

Mr. Thompson presented the petition of James Foster for a divorce from his wife Lucy Foster, and also her remonstrance against the same. Which were;

On motion by Mr. Secrest,

Laid upon the table.

On motion,

Mr. Thompson then had leave given him to withdraw the said petition and remonstrance.

By Mr. Harlan, the petition of Davis Stanfield and three hundred others praying for a State road in the counties of Grant and Madison.

Which was referred to a select committee of Messrs. Harlan, Young, and Balding.

By Mr. Harlan, the petition of William Hall and others praying for a State road running from Jonesborough, Grant county, to Kokomo, in Richardville county.

Which was referred to the same committee as the one preceding.

By Mr. Jones of Blackford, a petition for the passage of an act relative to keeping jacks or standing horses in said county.

Which was referred to a select committee of Messrs. Jones of Blackford, Balding, and Brown.

On leave given,

Mr. Noel offered the following:

Resolved, That the Public Printer be authorized to furnish this House two hundred copies of the Governor's Message, without the accompanying documents, this morning, if possible.

Which was adopted.

On leave given,

Mr. Harding offered the following:

Resolved, That the Auditor of State be required to report to this House the amount of water leased on the northern division of the Central Canal, to whom leased, the amount leased to each lessee, yearly rent to be paid by each lessee, the amount paid yearly by each lessee, and the amount now due from each lessee.

Which was adopted.

Mr. Stanfield made the following report:

Mr. Speaker:

The judiciary committee to whom was referred a resolution instructing said committee to inquire into the expediency of reporting a "Bill to make it the duty of the clerk of the circuit court, whenever an appeal is prayed, and an appeal bond filed, from the opinion of the judges of a circuit court to the supreme court, and also, when a case is ordered up on a writ of error, that it shall be the duty of the clerk of such circuit court to make out a true and complete transcript of the proceedings and judgment of such court, and cause the same to be delivered to the clerk of the supreme court within ninety days; and on failure to do so, be subject to an indictment and fine in any sum not exceeding fifty dollars, unless he can show good cause why he has not complied with such provision," have had the same under consideration, and have instructed me to report that any

further legislation upon that subject is inexpedient; all of which is, &c.

Which was concurred in.
Mr. Sleeth made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred a resolution of this House instructing them "to inquire into the expediency of so amending the existing laws on the subject, as to allow any creditor of any decedent to sue for the amount due from such decedent at any time after the granting of letters testamentary or of administration, in all cases where the amount of any such claim is not allowed by such executor or administrator," have had that subject under consideration, and have directed me to report legislation on the same inexpedient, and respectfully ask to be discharged from any further consideration thereof.

Which was concurred in.
Mr. Palmer made the following report:

Mr. Speaker:

The committee on the judiciary, to which was referred bill No. 34, in relation to docket fees, have had the same under consideration, and have directed me to report that they have amended said bill by striking it out from the enacting clause, and inserting in lieu thereof the following:

No. 24. A bill repealing all laws allowing docket fees, except in certain cases.

Mr. Harlan moved to lay the report on the table.
On this motion,
Messrs. Colms and Harvey demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Brown, Balding, Carr of Clark, Carnahan, Cassatt, Clark, Deam, Decker, Dole, Fuller, Hall of Posey, Hall of Warren, Hanna, Harlan, Holman, Huddleston, Huff, Hull, Johnson, Jones of Blackford, Kerr, Miller, Neal, Nofsinger, Parker, Scott, Shields, Stewart of Fayette, Suit, Thomas, Trimble, Wolfe, Woodruff, Yaryan, and Young—36.

Those who voted in the negative are,

Messrs. Anthony, Arnold, Carr of Lawrence, Colms, Cravens, Dob-

son, Dowling, Dunham, Edwards, Ferguson, Fry, Gilleece, Gordon, Griffis, Green, Hamilton, Harding, Harvey, Hatfield, Hendricks, Hicks, Hill, Holland, Hostetter, Huffstetter, Hunt, Jones of Green, Julian, Lemmonds, Lewis, Logan, Mason, May, McCormack, Meredith, Monk, Moore, Norton, Osborn, Palmer, Parks, Porter, Powell, Secrest, Sleeth, Smiley, Stanfield, Stewart of Laporte, Summers, Tackett, Tait, Thompson, Walker, Watts, Wiley, Wilson, Wise, and Mr. Speaker—58.

So said motion did not prevail.

The question then being,

"Shall the amendment of the committee be concurred in?"

It was decided in the affirmative.

The bill, as amended, was read a second time, and ordered to be engrossed for a third reading.

Mr. Harvey made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred a resolution of this House requiring said committee to examine whether, under the Statute of 1843, a ne exeat law is in force, and if not, that they inquire into the expediency of reviving said law, with such amendments as they may deem expedient, have had that subject under consideration, and instructed me to report that there is no such law now in force, and that it is inexpedient to legislate upon that subject.

Which report, together with the original resolution, was,

On motion by Mr. Thompson,

Recommitted to the committee on the judiciary.

Mr. Porter made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred bill of the House No. 14, have had the same under consideration, and have directed me to report the same back to the House without amendment, and recommend its passage.

Which report was concurred in.

And said bill,

No. 14. An act to legalize the publication of the lands returned and remaining delinquent, and sales thereof, for taxes due thereon, in the county of Shelby, for the years 1844 and 1845,

Was read a second time and ordered to be engrossed for a third reading.

Mr. Dunham made the following report:

MR. SPEAKER:

The committtee on the judiciary, to whom was referred bill No. 16, to legalize the acts of the board of commissioners of the county of Grant, have instructed me to report that they have had the same under consideration, and report the same back without amendments, and recommend its passage.

Which report was concurred in,

And said bill, No. 16, read a second time, and ordered to be engrossed for a third reading.

Mr. Stewart of Fayette, made the following report:

MR. SPEAKER:

The select committee, to which was referred the petition of S. W. Parker and others, have had the matter under consideration, and report the enclosed bill, and ask its passage.

Bill No. 42. A bill relative to the probate court of Fayette county,

Was read a first time, and ordered to a second reading on to-morrow.

Mr. Moore made the following report:

MR. SPEAKER:

The select committee, to whom was referred bill No. 20, of the House, "An act for the relief of the heirs of Thomas Berry," have had the same under consideration and directed me to report the same back to the House, and recommend its passage.

Which report was concurred in;

And said bill read a second time and ordered to be engrossed for a third reading.

Mr. Tait made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared the enrolled with the engrossed bill entitled "An act to authorize the judges of the Lawrence circuit and probate courts to devise new seals for their respective courts, and find the same truly enrolled.

Mr. Hatfield made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of sundry

citizens of Hancock county, asking to have the provisions of an act entitled "An act to authorize the placing of swinging gates on highways in Dearborn county," approved January 14th, 1846, extended to the county of Hancock, have had that matter under consideration, and directed me to report the following bill and recommend its passage.

Which report was concurred in.

And said bill,

No. 43. An act relative to swinging gates on highways,

Was read a first time and ordered to a second reading on to-morrow.

Mr. Carnahan made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of J. B. Gardner and others, have had the matter under consideration, and directed me to report the following bill and request its passage.

No. 44. An act to vacate a part of the town of Blairsville, in Posey county, Indiana;

Was read a first time, and ordered to a second reading on to-morrow.

Mr. Secrest offered the following:

Resolved, That it shall be the duty of doorkeeper of this House to perform the duties pertaining to the office of sergeant-at-arms, during the present session, unless otherwise ordered by the House, without any additional compensation therefor; and that he be authorized to employ such number of assistant doorkeepers as may be necessary to an efficient discharge of the duties assigned him.

Mr. Crookshank moved to amend as follows:

"That the doorkeeper shall be ex officio sergeant-at-arms, and in the discharge of the duties of said office, as well as that of doorkeeper, he shall be allowed but two assistants, unless by the further consent of this House."

Which amendment was not adopted.

Mr. Suit moved to lay the resolution on the table;

Which motion did not prevail.

The question then being on the adoption of the original resolution,

It was adopted.

The following message was received from the Senate by Mr. Jones, their secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House, that the Senate have adopted the following resolutions:

Resolved, That the Senate will, the House of Representatives con-

curring therein, proceed to the election of Treasurer and Auditor of State, on this day at half past two o'clock, P. M.

Resolved, That the Senate will, the House concurring therein, go into the election of President Judge of the 8th judicial circuit, to-day at eleven o'clock, A. M.

In which the concurrence of the House of Representatives is respectfully requested.

Mr. Thompson moved to reciprocate the resolution on the Treasurer's and Auditor's elections, with the following amendment: by striking out "to-day at half past two o'clock," and insert "Tuesday next, at half past two o'clock, P. M."

On this motion,

Messrs. Thompson and Logan demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Brown, Cassatt, Clark, Colms, Cravens, Dole, Dowling, Edwards, Ferguson, Fry, Gordon, Griffis, Green, Hall of Warren, Hamilton, Harding, Harvey, Hendricks, Hicks, Hill, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Julian, Kerr, Lutz, Mason, May, McCormack, Meredith, Moore, Noel, Parker, Porter, Powell, Scott, Stanfield, Stewart of Fayette, Stewart of Laporte, Summers, Tait, Thomas, Thompson, Trimble, Walker, Watts, Wise, Yaryan, and Mr. Speaker—54.

Those who voted in the negative are,

Messrs. Arnold, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Crookshank, Deam, Decker, Dobson, Dunham, Fuller, Gilleece, Hall of Posey, Hanna, Harlan, Hatfield, Holman, Huffstetter, Johnson, Jones of Blackford, Jones of Greene, Lemmonds, Lewis, Logan, Miller, Monk, Neal, Nofsinger, Norton, Osborn, Palmer, Parks, Secrest, Shields, Sleeth, Smiley, Tackett, Wiley, Wilson, Wolfe, Woodruff, and Young—42.

So said motion prevailed.

Ordered, That the clerk inform the Senate thereof.

The question then being,

"Will the House reciprocate the resolution of the Senate on going into the election of President Judge of the 8th judicial circuit to-day at eleven o'clock, A. M?"

Mr. Meredith moved to reciprocate the same with the following amendment:

"Strike out to-day at 11 o'clock, A. M., and insert Tuesday next at 11 o'clock, A. M."

On the adoption of this amendment,

Messrs. Logan and Miller demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Brown, Cassatt, Clark, Colms, Cravens, Dole, Edwards, Ferguson, Fry, Gordon, Griffis, Green, Hall of Warren, Hamilton, Harding, Harvey, Hendricks, Hill, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Julian, Kerr, Lutz, McCormack, Meredith, Moore, Parker, Porter, Powell, Scott, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tait, Thomas, Thompson, Trimble, Walker, Watts, Wise, Yaryan, and Mr. Speaker—49.

Those who voted in the negative are,

Messrs. Arnold, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Crookshank, Deam, Decker, Dobson, Dunham, Fuller, Gilleece, Hall of Posey, Hanna, Harlan, Hatfield, Hicks, Holman, Huffstetter, Jones of Blackford, Jones of Greene, Lemmonds, Lewis, Logan, Mason, May, Miller, Monk, Neal, Nofsinger, Norton, Osborn, Palmer, Parks, Secrest, Shields, Sleeth, Smiley, Tackett, Wiley, Wilson, Wolfe, Woodruff, and Young—48.

So said resolution was reciprocated as amended.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Carr of Lawrence,

Resolved, That the standing committee of ways and means are hereby authorized to employ a clerk to said committee, to serve as such during such period as the committee may find necessary.

On motion by Mr. Crookshank,

Resolved, That the committee on education be requested to inquire into the expediency of so amending the school laws, that a portion of the school funds may be used to employ female teachers in common schools, provided they possess the necessary qualifications, and procure a certificate of the same as required by law of male teachers, and report by bill or otherwise.

On motion by Mr. Dunham,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the law on the subject, that whenever any executor or administrator shall file in the probate court a petition to sell real estate for the payment of debts outstanding against any estate, that the notice required to be given to the heirs, legatees, devisees, &c., by the 223d and 224th sections of chapter 30, 528th page of Revised Code of 1843, as that said notice in all cases where said heirs, &c. reside in the county where such petition may be filed, shall be given by the executor or administrator of the estate in which said petition is filed by himself in writing; and where said heirs, &c. reside out of said county, but in the State, said notice shall be given by said executor or administrator, by sending the same by mail, postage paid, to the proper post-office, and if they, or any of them, reside out of the State, by advertising the same in some public newspaper; and also, to inquire into the expediency of re-

pealing so much of the 271st section of said chapter 30, page 536, of said Revised Code, as requires notice to be given to such heirs, &c. by the executor or administrator on filing a petition to settle an estate as insolvent.

On motion by Mr. Lutz,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the law designating the time of holding circuit court in the respective counties in the 5th judicial circuit, as to authorize the court in Hamilton county to sit twelve days when the business requires it.

On motion by Mr. Wiley,

Resolved, That the judiciary committee inquire into the expediency of amending the law in relation to recorders' fees, so that their fees shall be ten cents for each one hundred words, contained in every instrument of writing, which the law makes it necessary to record, and report by bill or otherwise.

On motion by Mr. Hanna,

Resolved, That the committee on ways and means be requested to inquire into the propriety of suspending the sale of all land, delinquent for the non-payment of taxes, which belongs to volunteers engaged in the service of the United States against the republic of Mexico, during their service as volunteers; and also, into the propriety of remitting any assessments that may now stand against the real and personal property of said volunteers.

On motion by Mr. Colms,

Resolved, That the Doorkeeper lay before the members of this House one copy each, of the rules and joint rules for the government of the same, without further delay, and in case they cannot be had of the State Printer, immediately to communicate such fact to the House.

On motion by Mr. Julian,

Resolved, That the judiciary committee be instructed to inquire into the expediency of enacting a law by which choses in action may be subjected to the payment of debts by bill in chancery, in the proper circuit court, in all cases where the debtor has not property subject to execution, and report thereon by bill or otherwise.

BILLS INTRODUCED.

By Mr. Harlan,

No. 45. A bill to postpone the sale of all forfeited canal lands east of the mouth of the Tippecanoe river.

By Mr. Colms,

No. 47. An act repealing section 1, chapter 26, of Revised Code of 1843.

By Mr. Parker,

No. 48. An act relating to the probate court of Miami county.

By Mr. Jones of Blackford,

No. 50. A bill for the relief of Jacob Emshweller of Blackford county.

By Mr. Hicks,

No. 52. A bill to repeal an act entitled "An act more effectually to enable supervisors to open and keep in repair public highways," approved January 13, 1845.

By Mr. Noel,

No. 54. A bill to provide for the gradual and permanent improvement of common roads in the several townships of this State.

By Mr. Hull,

No. 55. An act to repeal the 9th and 18th sections of the first article of chapter 35, of Revised Statutes of 1843.

Were each severally read a first time, and ordered to a second reading on to-morrow.

By Mr. Shields,

No. 46. A bill to repeal the act entitled "An act to amend the 4th article of the 16th chapter of the Revised Statutes of 1843, so far as the same relates to the counties of Washington and Jackson," approved January 5th, 1844, so far as the same relates to the said county of Jackson.

Was read a first and second times, the rules being suspended, and ordered to be engrossed for a third reading on to-morrow.

By Mr. Julian,

No. 49. A bill to authorize the executors of the will of Jacob Sinks, deceased, to sell certain real estate.

Was read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

By Mr. Carnahan,

No. 51. An act repealing certain acts in relation to the county of Posey.

Was read a first and second times, the rules being suspended, and referred to the committee on the trust funds.

By Mr. Powell,

No. 53. An act to amend certain acts therein named;

Was read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

On motion by Mr. Holland,

The House adjourned until two o'clock, P. M.

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2 o'clock, P. M.

House met.

The Speaker laid before the House the reports of the Branch Banks at Fort Wayne, Richmond, and Lawrenceburgh.

Which were referred to the committee on the State Bank.

The Speaker laid before the House the report of the commissioner of the Sinking Fund.

Which was,

On motion by Mr. Miller,

Laid upon the table, and five hundred copies ordered to be printed.

The House then went into the committee of the whole on the consideration of the Governor's message, with Mr. Carr of Lawrence in the chair, and after some time spent therein, the committee rose, and Mr. Carr reported that they had had the same under consideration, and come to sundry resolutions, in which they asked the concurrence of the House, viz:

Resolved, That so much of the Governor's Message as relates to the policy of transferring the trial of certain small offences from the circuit courts to justices of the peace be referred to the committee on the judiciary, with instructions to report by bill or otherwise.

Resolved, That so much of the Governor's Message as relates to the subject of calling a convention to alter, revise, or amend the constitution of this State, be referred to a select committee to be composed of one member from each judicial circuit in the State.

Resolved, That so much of the Governor's Message as relates to revenue and expenditure, be referred to the committee of ways and means.

Resolved, That so much of the Governor's Message as relates to the militia be referred to the committee on military affairs.

Resolved, That so much of the Governor's Message as relates to education, be referred to the committee on education.

Resolved, That so much of the Governor's Message as relates to the asylum for the education of deaf mutes, and to the hospital for the insane, be referred to the committee on benevolent and scientific institutions.

Resolved, That so much of the Governor's Message as recommends to the favorable consideration of this House the Adjutant General of the Indiana militia, and an additional salary for his increased labors, be referred to the committee on military affairs.

Resolved, That so much of the Governor's Message as relates to the arrangement of the State debt of Indiana, be referred to the committee of ways and means.

Resolved, That so much of the Governor's Message as relates to the policy of establishing houses of refuge for the moral discipline of juvenile and female offenders, instead of the barbarous, unhealthy, and expensive mode of punishment by imprisonment in the county jails, be referred to the judiciary committee.

Resolved, That so much of the Governor's Message as refers to a revision of the school laws, be referred to the committee on education.

Resolved, That so much of the Governor's Message as refers to a circular from the Secretary of the Treasury requiring statistical in-

formation in relation to the agriculture and manufactures of this State, be referred to the committee on agriculture.

Resolved, That so much of the Governor's Message as relates to the selection of canal lands, be referred to the committee on canals and internal improvements.

Resolved, That so much of the Governor's Message as refers to the subject of refunding to the banks at Indianapolis and Madison the money advanced to equip our volunteers, by said banks, be referred to the committee on ways and means.

Resolved, That so much of the Governor's Message as relates to the appointment of a superintendent of common schools, be referred to the committee on education.

Resolved, That so much of the Governor's Message as relates to the growing increase of local and special legislation, be referred to the judiciary committee.

Resolved, That so much of the Governor's Message as relates to the increased compensation of the Quartermaster General, be referred to the committee on military affairs.

Resolved, That so much of the Governor's Message as relates to buying in the cheapest market and selling in the dearest, be referred to the committee on public expenditures.

Resolved, That so much of the Governor's Message as refers to the benevolent institutions of the State, be referred to the committee on benevolent institutions.

Resolved, That so much of the Governor's Message as relates to companies having the preference who may pledge themselves to stand ready for service, be referred to the committee on the judiciary.

Resolved, That so much of the Governor's Message as relates to the war between the United States and Mexico, be referred to a select committee.

Resolved, That so much of the Governor's Message as relates to free trade, the reduction of the tariff, and the profound gratification arising therefrom, to the statesman, the patriot, the philanthropist, and the millions in our own country, &c., be referred to a select committee.

Which resolutions were concurred in by the House, and the committee discharged from any further consideration of the subject.

Mr. Harlan moved to reconsider the vote on the engrossment of bill of the House,

No 16. A bill to legalize the acts of the board of commissioners of the county of Grant:

Which motion prevailed.

Said bill was then read a second time, amended on motion by Mr. Harlan—the rules suspended—bill considered as engrossed, read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Hull,

The House adjourned until Monday morning 9 o'clock, A. M.

MONDAY MORNING, DECEMBER 14th, 1846.

The House met pursuant to adjournment.

The Speaker laid before the House the report of the State Bank and Branches.

Which was laid upon the table, and five hundred copies ordered to be printed.

The Speaker also laid before the House the following communication from his Excellency, the Governor:

EXECUTIVE DEPARTMENT,
December 12th, 1846.

To the House of Representatives:

James M. Hanna, Esq., is authorized to make communications from the Executive Department to the House of Representatives during the present session.

JAMES WHITCOMB.

The Speaker announced the following as the committee appointed on the resolution adopted on last Saturday in the committee of the whole on the Governor's Message, and which was afterwards concurred in by the House, viz.: Messrs. Dunham, Miller, Dowling, Dobson, Fry, Crookshank, Yaryan, Harvey, Palmer, Harlan, Stewart of Laporte, and Wilson.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Fuller, the petition of sundry citizens of the county of Warrick praying the General Assembly to define the lines between the counties of Warrick and Gibson.

Which was referred to a select committee of Messrs. Fuller, Miller, Logan, Huff, and Porter.

By Mr. Lewis, a petition from sundry citizens of Clay county praying the Legislature to amend a certain act therein named in relation to the duty of the county assessor.

Which was referred to a select committee of Messrs. Lewis, Dobson, and Dowling.

By Mr. Meredith, the petition of sundry German citizens to amend the school law.

Which was referred to a select committee of Messrs. Meredith, Scott, and Carr of Lawrence.

By Mr. Hanna, the petition of sundry citizens of Carroll, Clinton,

Cass, and Richardville counties praying for the Legislature to organize a new county out of portions of their respective counties.

Which was laid upon the table.

By Mr. Fuller, the petition of James B. Massie asking for a divorce from his wife Julia Ann Massie.

Mr. Secrest moved to lay the petition on the table.

On this motion,

Messrs. Fuller and Logan demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Arnold, Carr of Lawrence, Carnahan, Cravens, Deam, Decker, Dole, Dunham, Gilleece, Green, Hall of Posey, Hall of Warren, Harding, Harvey, Hicks, Holland, Holman, Huddleston, Huff, Huffstetter, Johnson, Jones of Blackford, Jones of Greene, Julian, Kerr, Lutz, May, Monk, Moore, Neal, Nofsinger, Norton, Osborn, Parks, Porter, Scott, Secrest, Shields, Stanfield, Stewart of Fayette, Suit, Summers, Tackett, Tait, Thomas, Trimble, Watts, Wiley, Wolfe, Woodruff, Yaryan, and Mr. Speaker—53.

Those who voted in the negative are,

Messrs. Anthony, Brown, Balding, Carr of Clark, Cassatt, Clark, Colms, Dobson, Dowling, Edwards, Ferguson, Fry, Fuller, Gordon, Griffis, Hamilton, Hanna, Harlan, Hatfield, Hendricks, Hill, Hostetter, Hull, Lemmonds, Lewis, Logan, Mason, McCormack, Meredith, Miller, Noel, Palmer, Parker, Powell, Sleeth, Smiley, Stewart of Laporte, Tebbs, Walker, Wilson, Wise, and Young—42.

So said petition was laid upon the table.

By Mr. Hanna, a petition relative to the organization of a new county out of parts of Carroll and Richardville counties.

Which was laid upon the table.

By Mr. Parker, a petition for the repeal of an act, entitled "An act changing the time of holding the probate court in the county, and for other purposes therein named."

Which was referred to the committee on the judiciary.

By Mr. Palmer, the petition of Theophilus Bryan asking for relief.

Which was referred to the committee on the judiciary.

By Mr. Parker, the petition of sundry persons for the relief of purchasers of canal lands.

Which was referred to the committee on canals and internal improvements.

By Mr. Tait, a petition from eighty-five citizens of Ohio county praying for an act to protect religious assemblies.

Which was referred to the committee on the judiciary.

By Mr. Griffis, a petition for the appointment of viewers to view

and locate a State road from Union Port, in Randolph county, to Hagarstown in Wayne county.

Which was referred to the committee on the judiciary.

By Mr. Hill, the petition of sundry persons of Jennings county praying that the provisions of an act giving the voters of Marion county the right as to granting license to sell spirituous liquors be extended to the county of Jennings.

Which was referred to a select committee of Messrs. Hill, Arnold, and Hull.

Mr. Stanfield made the following report:

Mr. Speaker:

The committee to whom was referred a petition of sundry persons of Lagrange county praying certain things therein named, have had the same under consideration, and would ask leave to report a bill herewith presented in conformity with the prayer of said petition, and ask to be dismissed from the further consideration of the subject.

Which report was concurred in, and said bill,

No. 56. An act to repeal an act, entitled "An act for the relief of the people of Noble, Lagrange, Steuben, and De Kalb," approved January 31, 1843.

Was read a first time and ordered to a second reading on to-morrow.

Mr. Clark made the following report:

Mr. Speaker:

The select committee to whom was referred a petition of sundry citizens of Lagrange county praying the repeal of a certain law therein named, have had the same under consideration, and would ask leave to report the bill herewith presented in conformity with the prayer of said petition, and recommend its passage, and ask leave to be discharged from the further consideration of the subject.

Which report was concurred in, and said bill,

No. 57. An act to amend an act, entitled "An act to compel speculators to pay a road tax equal to that paid by actual settlers," approved January 31, 1842.

Was read a first time and ordered to a second reading on to morrow.

On motion by Mr. Dunham,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending section 44, chapter 46, page 839, of the Revised Code of 1843, as to permit the complainant in a bill in chancery, to waive in his bill the oath of the defendant or

defendants to the answer to said bill, and so that when such oath is so waived, the testimony of two witnesses, or of one witness and corroborating circumstances, shall not be necessary to the recovery of a decree.

On motion by Mr. Palmer,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of providing by law for refunding to the volunteers the amount retained out of their pay for the costs of their transportation from their respective places of residence to New Albany, where the same has been retained, and of commuting the amount claimed to be due from those who have not as yet paid the expense of such transportation.

On motion by Mr. Edwards,

Resolved, That the committee on the judiciary be requested to inquire into the expediency of providing a law allowing interest on any open and unpaid account, admitted to be just by an executor or administrator, to commence one year after the qualification of said executor or administrator, to be computed at the rate specified in the first section of article 3d, and chapter 31, of the Revised Statutes of 1843, and to report by bill or otherwise.

On motion by Mr. Noel,

Resolved, That the committee on public buildings be directed to inquire into the expediency of granting or otherwise disposing of that part of the plat of the town of Indianapolis, and the building thereon, bounded by and included within Circle street, and known as the Governor's Circle, to the corporation of said town, provided said corporation will, within a reasonable time, erect thereon a building, which shall be so constructed as to afford suitable rooms for the State officers, and also a room or hall in which the political, religious, and other State conventions may hold their sessions, and report by bill or otherwise.

On motion by Mr. Secrest,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of providing by law for the postponement, until next year, of the collection of taxes charged on the duplicates of the current year, against all persons absent from the State, in the service of the United States in the war with Mexico, and that such postponement be without any damages or additional charges against such absent persons.

On motion by Mr. Cassatt,

Resolved, That the judiciary committee be instructed to inquire into the expediency of providing by law for the election of prosecuting attorneys in each county, and to report by bill or otherwise.

Mr. Dowling offered the following:

Resolved, That the committee on the judiciary, (to whom has been referred the proposition to reduce printers' fees for advertising delinquent tax lists,) be also requested to inquire into the expediency

of reporting a bill to reduce and regulate the fees of attorneys and physicians.

Mr. Thompson moved to amend by inserting "and midwives."

Which amendment was adopted.

And the resolution, as amended, was adopted.

On motion by Mr. Holland,

Resolved, That the judiciary committee be instructed to inquire into the expediency of passing a law requiring the proceeds of the practice of all practicing physicians and lawyers to be so assessed as to show the amount of such practice, and that a tax be assessed on the same, for the support of common schools, and report by bill or otherwise.

On motion by Mr. Moore,

Resolved, That the judiciary committee be instructed to inquire into the expediency of reporting a bill repealing the 3d section of an act to require the Bank to continue specie payments, and to enable it to maintain them, approved February 13, 1843.

On motion by Mr. Hicks,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the law regulating the times of holding courts in the fifth judicial circuit, that the Johnson circuit court be authorized to sit twelve days, if the business thereof requires it, and that they report by bill or otherwise.

On motion by Mr. Hendricks,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the 37th section of chapter 35, of the Revised Laws of 1843, as to authorize courts in their discretion to grant or not grant divorces, solely on the declarations or confessions of the parties, when no other satisfactory evidence of the facts alleged exists, leaving the courts to judge of the credibility of such confessions or declarations, and report by bill or otherwise.

On motion by Mr. Dole,

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the school laws, that the return of the number of children between five and twenty-one years, required to be made by the township trustees to the county auditor, be made on or before the third Monday in August, instead of the third Monday of February, as now required by law.

On motion by Mr. Cassatt,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of providing by law, for the election of supervisors by the votes of each road district, and to report by bill or otherwise.

On motion by Mr. Colms,

Resolved, That the committee on the judiciary be requested to inquire as to the expediency of making an additional allowance to jurors and witnesses in all actions before a justice of the peace.

On motion by Mr. Green,

Resolved, That the committee on education be instructed to inquire into the expediency of an equal distribution of the funds arising from the school lands, to be equally divided in the counties according to the number of white children over five and under twenty-one years of age, and to report by bill or otherwise.

On motion by Mr. Wolfe,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the existing laws as to allow the clerks of the several circuit courts in this State, to issue letters of guardianship in certain cases in the vacation of the court, subject to confirmation or revocation at the next term thereof.

On motion by Mr. Green,

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the school law, so as to do away the township trustees where the districts are organized, and to report by bill or otherwise.

On motion by Mr. Dunham,

Resolved, That the judiciary committee be instructed to inquire into the expediency of providing by law that no complaint shall be received by any grand jury after the first two days of its session, except where the transaction complained of shall have taken place after the commencement of such session, or where for special reasons the proper court shall order the same; and also, to inquire into the expediency of requiring the name of any person laying any complaint before any grand jury to be endorsed on the indictment, should one be found, as the complainant.

On motion by Mr. Hall,

Resolved, That the committee on the judiciary be instructed to inquire into the propriety and necessity of prohibiting persons from practicing as surgeons and physicians, unless they shall have first obtained a license from some medical institution, or a board of physicians constituted and approved for that purpose, and to report by bill or otherwise.

On motion by Mr. Cassatt,

Resolved, That the committee on education be instructed to inquire into the expediency of providing by law for the raising a common school fund by taxation, and to report by bill or otherwise.

JOINT RESOLUTIONS INTRODUCED.

By Mr. Mason,

No. 58. A joint resolution instructing our Senators and requesting our Representatives to use their exertions to have the pay of Indiana volunteers increased.

Mr. Cravens moved to amend by striking out Indiana volunteers, and insert the common soldiers of the service of the U. S.;

Which amendment was accepted by Mr. Mason.

Mr. Secrest moved to insert "volunteers and militia" in place of the common soldiers of the U. S.

Mr. Colms moved to amend the ameddment as follows: "so as to read all privates now are, or that may hereafter be called into the service of their country;"

Which amendment was not adopted.

The question then being on the adoption of the amendment of Mr. Secrest,

It was so adopted;

And the joint resolution, as amended, was ordered to be engrossed for a third reading on to-morrow.

By Mr. Holman,

No. 59. A joint resolution relative to the land office at Winnamac;

Was read a first time, and ordered to a second reading on to-morrow.

The following message was received from the Senate by Mr. Jones, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have concurred in the amendments of the House to the resolutions of the Senate, providing for going into the election of Auditor and Treasurer of State, and of President Judge in the eighth judicial circuit.

BILLS INTRODUCED.

By Mr. Watts:

No. 60. An act to fix the time of holding courts in the tenth judicial circuit;

By Mr. Parks:

No. 61. A bill to extend the time of receiving work in road tax in the counties therein named;

By Mr. Deam:

No. 62. An act to amend an act entitled an act to compel speculators to pay a road tax equal to that paid by actual settlers, approved January 31st, 1842;

By Mr. Shields:

No. 63. A bill regulating chancery practice;

By Mr. Green:

No. 64. A bill regulating the district trustees of common schools;

By Mr. Dowling:

No. 65. A bill to amend article one of chapter 42 of the Revised Statutes on the subject of the liens of mechanics and others on buildings;

By Mr. Anthony:

No. 65. A bill to reduce the expenses of Floyd county;

By Mr. Watts:

No. 67. An act fixing the time for the report of the trustees of the Indiana Asylum for educating the deaf and dumb;

By Mr. Huffstetter:

No. 68. A bill to authorize the board doing county business in the county of Orange, to appoint an appraiser of real estate subject to taxation at their March term in A. D. 1847.

By Mr. Powell:

No. 69. A bill defining the duties of clerks of the probate courts;

Which were each read a first time, and ordered to a second reading on to-morrow.

The Speaker laid before the House the report of the Warden of the State Prison; Which was,

On motion by Mr. Miller,

Laid upon the table, and five hundred copies ordered to be printed.

ORDERS OF THE DAY.

Senate bill,

No. 2. A bill declaring a misprint in certain names therein mentioned;

Which was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

HOUSE BILLS ON THEIR THIRD READING.

No. 6. An act to repeal an act entitled "An act to authorize the people of Fayette and other counties therein named to elect three Seminary trustees, approved January 15th, 1846.

No. 8. An act to incorporate the Decatur County Medical Society.

No. 14. An act to legalize the publication of the lands returned and remaining delinquent, and sales thereof for taxes due thereon, in the county of Shelby for the years 1844—'45.

No. 22. A bill to declare the name of Ann Frankbower a misprint.

No. 24. A bill repealing all laws allowing docket fees except in certain cases.

No. 25. An act changing the time of holding the probate court of the county of Delaware.

No. 26. An act in relation to road tax in Elkhart county.

No. 35. An act empowering the commissioners of Kosciusko county to hold certain real estate.

No. 46. A bill to repeal an act entitled "An act to amend the 4th article of the 16th chapter of the Revised Statutes of 1843, so far as the same relates to the counties of Washington and Jackson, approved January 5, 1844, so far as the same relates to the said county of Jackson;

Were each severally read a third time and passed.

Ordered, That the clerk inform the Senate thereof;

No. 20. An act for the relief of the heirs of Thomas Berry;

Was read a third time, when

Mr. Palmer moved to reconsider the vote taken on ordering the said bill to be engrossed;

Which motion prevailed.

Said bill was then,

On motion by Mr. Palmer,

Referred to the committee on the judiciary.

On motion by Mr. Holman,

The House adjourned until 2 o'clock, P. M.

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2 *o'clock*, *P. M.*

House met.

Mr. Palmer, on leave, introduced joint resolution

No. 70. A joint resolution to suspend the operation of "An act to provide for a settlement with the former Superintendent of the State Prison passed at the present session of the General Assembly;

Which was read a first and second times, the rules being suspended, when

Mr. Holman moved to lay the resolution upon the table.

On this motion,

Messrs. Holman and Yaryan demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Brown, Carr of Lawrence, Cassatt, Clark, Cravens, Decker, Dole, Edwards, Ferguson, Gordon, Green, Hall of Warren, Hamilton, Hardin, Harlan, Harvey, Hendricks, Hill, Holland, Holman, Huddleston, Huffstetter, Hull, Hunt, Johnson, Jones of Blackford, Julian, Kerr, Lemmonds, Lewis, May, Meredith, Moore, Noel, Parker, Porter, Scott, Stewart of Laporte, Suit, Tait, Watts, Wise, Yaryan, Young and Mr. Speaker—46.

Those who voted in the negative are,

Messrs. Addleman, Arnold, Balding, Carr of Clark, Carnahan, Colms, Crookshank, Deam, Dobson, Dowling, Dunham, Fuller, Gilleece, Griffis, Hall of Posey, Hanna, Hatfield, Hicks, Hostetter, Huff, Jones of Greene, Logan, Lutz, Mason, McCormack, Miller, Monk, Neal, Nofsinger, Norton, Osborn, Palmer, Parks, Powell, Secrest, Shields, Sleeth, Smiley, Stanfield, Stewart of Fayette, Summers,

Tackett, Thomas, Thompson, Trimble, Walker, Wiley, Wilson, Wolfe and Woodruff—50.

So said motion did not prevail.

The bill was then ordered to be engrossed for a third reading on to-morrow.

ORDERS OF THE DAY.

Bills of the House on their second reading.

No. 27. A bill for the better regulation of the county board in the county of Warrick.

No. 28. A bill to repeal a certain law therein named.

No. 29. An act to establish a State road in a portion of the dividing line of the counties of DeKalb and Steuben.

No. 33. An act to incorporate the Clifty Band of Musicians in Decatur county.

No. 39. A bill to vacate the town of Independence in Laporte county.

No. 41. A bill to vacate certain streets and alleys in the town of Noblesville, Hamilton county.

No. 42. A bill relative to the probate court of Fayette county.

No. 43. An act relative to swinging gates on highways.

No. 44. An act to vacate part of the town of Blairsville, Posey county, Indiana.

No. 48. An act relative to the probate court in Allen county;

Which were each severally read a second time, and ordered to be engrossed for a third reading.

No. 30. An act to provide for the punishment of certain crimes therein named.

No. 37. A bill authorizing masters in chancery to take acknowledgments, &c.

No. 40. A bill to authorize masters in chancery and county auditors to take the acknowledgments of deeds, &c.

No. 55. An act to repeal the 9th and 18th sections of the 1st article, chapter 35 of the Revised Statutes of 1843;

Were each severally read a second time and referred to the committee on the judiciary.

No. 32. An act to amend an act entitled "An act to prohibit the making, issuing, or circulating small notes or bills," approved January 20th, 1841.

Was read a second time, and referred to the committee on the State Bank.

No. 45. A bill to postpone the sale of all forfeited canal lands east of the mouth of the Tippecanoe river.

Mr. Cassatt offered the following amendment:

"Strike out 1st January, 1848, and insert 1st January, 1850."

Mr. Palmer moved to lay the bill and amendments upon the table.

On this motion,

Messrs. Colms and Cassatt demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Cravens, Decker, Dobson, Hamilton, Julian, Miller, and Palmer—7.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Arnold, Brown, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Cassatt, Clark, Colms, Crookshank, Deam, Dole, Dowling, Dunham, Edwards, Ferguson, Fuller, Gilleece, Gordon, Griffis, Hall of Posey, Hall of Warren, Hanna, Harding, Harlan, Harvey, Hatfield, Hendricks, Hicks, Hill, Holland, Holman, Hostetter, Huddleston, Huff, Huffstetter, Hull, Hunt, Johnson, Jones of Blackford, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Lutz, Mason, May, McCormack, Meredith, Monk, Moore, Neal, Noel, Nofsinger, Norton, Osborn, Parker, Parks, Porter, Powell, Scott, Secrest, Shields, Sleeth, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tackett, Tait, Tebbs, Thomas, Thompson, Trimble, Walker, Watts, Wiley, Wilson, Wise, Wolfe, Woodruff, Yaryan, Young, and Mr. Speaker—89.

So said motion did not prevail.

Mr. Palmer moved to refer the bill and amendments to a select committee.

Mr. Dole moved to amend the motion of Mr. Palmer by referring it to the committee on canals and internal improvements.

Which motion prevailed.

And said bill and amendment was so referred.

No. 47. An act repealing section 1, of chapter 26, of the Statutes of 1843.

Was read a second time, and,

On motion by Mr. Miller,

Laid upon the table.

No. 50. A bill for the relief of Jacob Emshweller, of Blackford county.

Was read a second time and referred to the committee on claims.

No. 52. A bill to repeal an act entitled "An act more effectually to enable supervisors to open and keep in repair public highways," approved January 13, 1845.

No. 54. A bill to provide for the gradual and permanent improvement of common roads in the several townships in this State.

Were each read a second time and referred to the committee on roads.

Mr. Thompson, according to notice given, moved that Messrs. Miller, Porter, and Cravens, be added to the committee upon canals and internal improvements.

Whereupon, said gentlemen were each excused from serving on

said committee, on their several requests being made known to the House. And,

On motion,

Mr. Cassatt was added to said committee.

On motion by Mr. Harvey,

The House adjourned until to-morrow morning, 9 o'clock.

TUESDAY MORNING, December 15, 1846.

The House met pursuant to adjournment.

Mr. Jenison, member elect from the county of Hamilton, appeared, produced his credentials, and was sworn in by the Hon. John W. Wright, President Judge of the 8th judicial circuit of the State of Indiana.

The Speaker laid before the House the report of Mr. Henry Rudisill, the commissioner appointed by his Excellency, the Governor, in pursuance of an act of the General Assembly of last session to estimate the damages which have been occasioned to the heirs of George W. Brackenridge, deceased, by the construction of the White Water Valley Canal over the lands of the said heirs.

Which was,

On motion by Mr. Parker,

Referred to the committee on claims.

PETITIONS, MEMORIALS, &c. PRESENTED.

By Mr. Miller, the petition of Charles H. Harrison and others, of Gibson county, in relation to the State road leading from the mouth of the Patoka to Owensville, in said county.

Which was referred to the committee on roads.

By Mr. Parker, a petition for the passage of laws similar to that now in force in the States of New York and Ohio, relative to the embezzlement of money, &c.

Which was referred to the committee upon the judiciary.

By Mr. Hanna, a petition relative to the laying off a new county out of portions of Clinton, Richardville and others.

Which was laid upon the table.

By Mr. Mason, the petition of John Carter of Brown county, asklng for relief, &c.

Which was referred to a select committee of Messrs. Mason, Watts, and Arnold.

By Mr. Noel, the petition of Nathaniel Bolton, asking for relief.

Which was referred to the committee upon claims.

By Mr. Tait, a petition for the passage of more efficient laws for the protection of persons assembled for religious worship.

Which was referred to the committee upon the judiciary.

Mr. Lewis made the following report:

Mr. Speaker:

The select committee, to which was referred the petition of sundry citizens of Clay county, congressional township number eleven, praying the sale and conveyance of certain school land in township number twelve, in said county, have, according to order, had the same under consideration, and have directed me to report it inexpedient to grant the prayer of said petitioners, and ask to be discharged from the further consideration of the subject.

Which report was concurred in, and said committee discharged.

Mr. Palmer made the following report:

Mr. Speaker:

The select committee, to whom was referred bill No. 17, "An act to repeal an act entitled 'An act amending the 218th section of chapter 13, page 267, of the Revised Code,'" have had that matter under consideration, and have directed me to report the same back to this House, and recommend its passage.

Said bill was read a second time, and,

On motion by Mr. Dunham,

Recommitted to the committee on the judiciary.

Mr. Huffstetter made the following report:

Mr. Speaker:

The select committee to which was referred the petition of sundry citizens of the town of Orleans, Orange county, praying for the vacation of certain streets and alleys in said town, have had the same under consideration, and directed me to report the following bill and recommend its passage.

No. 71. A bill to vacate certain streets and alleys in the town of Orleans, in the county of Orange;

Was read a first time, and ordered to a second reading on to-morrow.

Mr. Wise made the following report:

Mr. Speaker:

The select committee to whom was referred the petition of William Cunleff and others, citizens of township number four, of range ten east, in Jefferson county, beg leave to report the following bill:

No. 72. A bill relating to congressional township four north, of range ten east, in Jefferson county;

Was read a first time, and ordered to a second reading on to-morrow.

On motion by Mr. Holland,

Resolved, That the committee on education be requested to inquire into the propriety of reporting a bill to amend the school law, so that no teacher shall receive any of the public money without they are thoroughly acquainted with English grammar, geography, and arithmetic.

On motion by Mr. Carr of Clark,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of making a law to quiet the titles of persons owning lands in the district commonly called "Clark's Grant," being the lands appropriated by the State of Virginia before the formation of this State, for the officers and soldiers who served under General George Rodgers Clark in his expeditions against the Indians, and to report a bill for that purpose, if it is found practicable to frame one consistently with the constitution of the State, and the rights of all parties.

On motion by Mr. Moore,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so defining the duties of the board of county commissioners of the several counties in this State, as to require and authorize them on application to vacate towns, streets, alleys, &c., to incorporate towns, musical bands, religious societies, &c., to provide for the election of additional justices of the peace, and perform all other local business of their respective counties, which in the opinion of the committee will lessen the amount of *local* legislation, without detriment to the interests of the citizens of this State.

On motion by Mr. Thomas,

Resolved, That the judiciary committee be requested to inquire into the expediency of so amending the laws now in force, that creditors may have the benefit of a capias ad respondendum, by the creditors filing their affidavits that the defendents are indebted to them, and that they are about to leave the county and to go to parts unknown, and to report by bill or otherwise.

On motion by Mr. Thompson,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the execution laws, as to authorize the execution plaintiff to direct the officer upon what property of

the execution debt to levy, (which may be subject to execution,) or provide that the property levied upon shall sell if it will command one half of its appraised value.

On motion by Mr. Hatfield,

Resolved, That the committee on roads be instructed to inquire into the expediency of so amending the present road laws, so as to require every able bodied person to perform four days labor on roads for his personal privilege in each year, in place of two.

On motion by Mr. Lewis,

Resolved, That the committee on roads be required to inquire into the expediency of so amending the 54th section, article 1st, chapter 16th of the Revised Code of 1843, that when any part of a road shall have been opened and worked, the same shall not become void as provided in the 54th section aforesaid.

On motion by Mr. Huff,

Resolved, That the judiciary committee be instructed to inquire into the expediency of passing a law authorizing the board doing county business in the several counties, to make allowance to persons that may spend their time and money in arresting fugiitives from justice, in case such costs cannot be made out of the effects of such fugitive, to be paid out of the county treasury where the offence may be committed, and that they report by bill or otherwise.

On motion by Mr. Hatfield,

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the school law, so as to place the funds for school purposes in the hands of township trustees of the several counties in this State, to loan at interest as other school funds are loaned.

On motion by Mr. Carr of Lawrence,

Resolved, That the Senate be invited to attend in the Hall of the House of Representatives instanter, for the purpose of electing a President Judge in the eighth judicial circuit, and that seats be provided for them on the right of the Speaker's chair.

On motion by Mr. Thompson,

Resolved, That the certificates of election of the respective members be referred to the committee on elections.

The Speaker laid before the House the report of the superintendent of the Wabash and Erie Canal, which was,

On motion by Mr. Parker,

Laid on the table, and five hundred copies ordered to be printed.

Mr. Palmer, on leave given, introduced bill

No. 73. A bill to amend an act, entitled "An act for the relief of purchasers of canal lands," approved January 19, 1846.

Which was read a first and second times—the rules being suspended—and referred to the committee on canals and internal improvements.

Mr. Fuller, on leave given, introduced bill

No. 74. A bill for the relief of the voters of Warrick county.

Which was read a first time and ordered to a second reading.

Mr. Mason, on leave given, introduced bill

No. 75. An act, entitled "An act declaring a part of Salt Creek a public highway," approved February 13, 1840.

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Suit, on leave given, introduced bill

No. 76. An act defining the width of roads in the counties of Clinton and Tipton.

Which was read a first and second times—the rules being suspended—and referred to the committee on the judiciary.

The Senate then came in and took their seats on the right of the Speaker's chair, when both Houses, as a joint convention, proceeded to the election of President Judge of the eighth judicial circuit of the State of Indiana, Messrs. Fuller and Colms acting as tellers on the part of the House.

On counting the votes on the first ballot it appeared that:

John W. Wright received	71 votes.
Horace P. Biddle received	68 votes.
Mr. Patterson received	6 votes.
Blank,	3 votes.

No person having received a majority of all the votes given, the convention then proceeded to a second balloting for the same.

On counting the votes it appeared that:

John W. Wright received	73 votes.
Horace P. Biddle received	71 votes.
Mr. Patterson received	1 votes.
Mr. Stuart received	3 votes.

No person having received a majority of all the votes given, the convention then proceeded to a third balloting for the same.

On counting the votes it appeared that:

Horace P. Biddle received	73 votes.
John W. Wright received	73 votes.
Mr. Patterson received	1 vote.
Blank,	1 vote.

No person having received a majority of all the votes given, the convention then proceeded to a fourth balloting for the same.

On counting the votes it appeared that:

Horace P. Biddle received	74 votes.
John W. Wright received	73 votes.
Mr. Patterson received	1 vote.

No person having received a majority of all the votes given, the convention then proceeded to a fifth ballotting for the same.

On counting the votes it appeared that:

Horace P. Biddle received - - - - - - -	76 votes.
John W. Wright received - - - - - - -	71 votes.
Blank, - - - - - - - - - -	1 vote.

Horace P. Biddle, having received a majority of all the votes given, was declared duly elected judge of the eighth judicial circuit of the State of Indiana, to serve as such for the term of seven years from and after the expiration of the term of service of the present incumbent.

The convention then adjourned *sine die*, and the Senate retired to their chamber, and

On motion by Mr. Colms,

The House adjourned until 2 o'clock, P. M.

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2 o'clock, P. M.

House met.

The Speaker laid before the House the following communication from his Excellency the Governor:

To the Honorable the House of Representatives:

GENTLEMEN:—I herewith return the bill entitled "An act to provide for a settlement with the former superintendent of the State Prison," which originated in your body, with my reasons why I have felt constrained, by a sense of public duty, to withhold my approval of the same.

A press of official business compels me to be very brief in the expression of some of my objections to the bill.

The bill provides for the appointment of one person, on the part of the State, by the Governor, and of one person by the late superintendent, by whom a third is to be designated, whose duty it is to be to make the settlement. It provides that their award shall be final, and although they are required to make report thereof to the Legislature, yet that body reserves no power to revise, set aside, or ratify the settlement thus made. The amount to be passed upon is very large, and while in trivial controversies between the humblest individuals, even before justices of the peace, the right of revision by appeal is secured, to guard against that error to which all human tribunals are liable, yet in the present controversy no power of revision whatsoever is

secured. It is, to my mind, no answer to say that the Legislature could still control the appropriation should any be awarded, because it is presumed that but few members would feel free to refuse an appropriation called for by an award made pursuant to a law of their own making, and which would, therefore, constitute an existing debt against the State.

The contracts and specifications for building the State Prison, specify certain items required in the construction, and the prices of many of these items separately, although the work is thereby agreed to be completed as a whole and entire performance. The work, to the great detriment of the State, has not been finished; and as it is represented that the items which have been complied with, are of most profit to the late superintendent, and those remaining to be done are more advantageous to the State, it would seem that he ought to be charged accordingly in the settlement, especially as by the well known law of contracts he would not be legally entitled to any pay, in consequence of not having complied with it strictly. As he asks for a favor, therefore, from the Legislature, it is but right that the State should, in granting it, insist at least upon equity also.

At the session of 1843–4, the Legislature authorized a commission to examine into the manner in which the work, at that time, had been done, in consequence of complaints that had been preferred. The report of that commission is published in the volume of Executive Documents, of the next session, and shows that in the judgment of that commission, two of whom were practical mechanics, and the third had been a contractor on public works, a part of the work had not been well done. Complaint has also reached the Executive since that time, that another important part of the work has not been performed as required by contract. It is true, it has been alleged on the other side, that the work, although not strictly in accordance with the contract, is equally as good, yet it seems to be conceded, that the mode adopted is not as expensive, nor as sightly as required by the contract, and if so, justice requires that the State shall not be charged the contract price, on an equitable settlement. In such a bill, therefore, it seems to me, that the commission for settlement should be empowered to make proper deductions or disallowances for insufficient work. The bill provides that the commission may call in practical mechanics, and hear their opinions relative to prices of work done, when the rate is *not* specified in the contract, and this would seem to involve the consequence that where the prices *are* specified in the contract, the commission would be bound to allow them, whether the work is, or is not well done, which would conflict with the foregoing principles.

The building of the new State Prison by the late superintendent, has given rise to considerable controversy and correspondence, a portion of which has been laid before the General Assembly at its two last sessions, and published in its Documentary Journals. A reference to these, in forming a bill for a settlement, should these views be

concurred in, in whole or in part, and another bill introduced, is respectfully suggested.

Such a bill, it is hoped, could be matured, and the commission therein authorized be able to report to the present session the result of their investigation, for rejection or approval. Thus very little more time would be required; and it is conceived that such a reservation of the power of revision on the part of the Legislature would better guard the rights of the State, and relieve the commission itself of much embarrassment, and, to some extent, of a delicate sense of responsibility.

The whole question, however, is respectfully submitted to the better wisdom of the General Assembly for further consideration.

JAMES WHITCOMB.

The question then being,

"Shall the bill pass notwithstanding the objections of his Excellency the Governor?"

And the ayes and noes being called, according to the requisitions of the constitution in such case made and provided.

Mr. Hamilton voted in the affirmative—1.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Arnold, Brown, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Cassatt, Clark, Colms, Crookshank, Deam, Decker, Dole, Dowling, Dunham, Edwards, Fry, Fuller, Gordon, Griffis, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Harlan, Harvey, Hatfield, Hendricks, Hicks, Hill, Holland, Holman, Hostetter, Huddleston, Huff, Huffstetter, Hull, Hunt, Jenison, Johnson, Jones of Blackford, Jones of Greene, Julian, Kerr, Lemmonds, Lewis, Lutz, Mason, May, McCormack, Meredith, Miller, Monk, Neal, Noel, Nofsinger, Norton, Osborn, Palmer, Parker, Parks, Porter, Powell, Scott, Secrest, Shields, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tackett, Tait, Tebbs, Thomas, Thompson, Trimble, Walker, Watts, Wiley, Wise, Woodruff, Yaryan, Young, and Mr. Speaker —89.

So said bill did not pass.

On motion by Mr. Noel,

Resolved, That the Senate be invited to attend in the hall of the House of Representatives, *instanter*, for the purpose of electing an Auditor of State, and Treasurer of State, and that seats be provided for them on the right of the Speaker's chair.

The Senate then came in and took their seats on the right of the Speaker's chair, when both Houses as a convention, proceeded by joint ballot to the election of a Treasurer of State; Messrs. Crookshank and Harvey acting as tellers on the part of the House.

On counting the votes on the first ballot, it appeared that

Samuel Hanna received	74 votes.
Royal Mayhew received	73 votes.
Blank	1 vote.

No person having received a majority of all the votes given, the convention then proceeded to a second balloting for the same.

On counting the votes, it appeared that

Samuel Hanna received	74 votes.
Royal Mayhew received	74 votes.

Neither of the gentleman having received a majority of the votes given, the convention then proceeded to a third balloting for the same.

On counting the votes, it appeared that

Samuel Hanna received	76 votes.
Royal Mayhew received	72 votes.

Samuel Hanna having received a majority of all the votes given, was declared duly elected Treasurer of State, to serve as such, for the term of three years from and after the expiration of the term of services of the present incumbent.

The convention then proceeded by joint ballot, to the election of Auditor of State; Messrs. Stewart of Fayette, and Palmer acting as tellers on the part of the House.

On counting the votes on the first ballot, it appeared that

Douglas Maguire received	72 votes.
Horatio J. Harris received	73 votes.
G. P. R. Wilson received	1 vote.
Blank	1 vote.

Neither of the gentlemen having received a majority of all the votes given, the convention then proceeded by joint ballot to a second balloting for the same.

On counting the votes, it appeared that

Douglas Maguire received	75 votes.
Horatio J. Harris	71 votes.
G. P. R. Wilson received	1 vote.
Blank	1 vote.

Douglas Maguire having received a majority of all the votes given, was declared duly elected Auditor of State, to serve as such, for the term of three years, from and after the expiration of the term of services of the present incumbent.

The convention then adjourned *sine die*.

And the Senate retired to their chamber, and,
On motion by Mr. Noel,
The House adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, December 16th, 1846.

The House met pursuant to adjournment.

PETITIONS, MEMORIALS, &c., PRESENTED.

By Mr. Hanna,

The petition of Nathan G. Gillan and other citizens, of the county of Carroll, for the passage of a law incorporating a company to manufacture cotton and woolen goods, at or near the town of Delphi.

Which was referred to a select committee of Messrs. Hanna, Suit, and Palmer.

By Mr. Meredith,

The petition of John W. Hutchenson and others, to vacate certain streets and alleys, in Cambridge City;

Which was referred to the committee on corporations.

By Mr. Meredith,

The petition of sundry German citizens, for an amendment of the school laws;

Which was referred to a select committee of Messrs. Meredith, Scott, Carr of Lawrence, and Yaryan.

By Mr. Norton,

The petition of sundry citizens of the county of Elkhart, praying the passage of an act for the benefit of the Seminary of said county;

Which was referred to the committee on education.

BILLS INTRODUCED.

By Mr. Harvey:

No. 77. An act to change the name of James Morris Smith, to that of James Morris Vestal.

By Mr. Smiley:

No. 78. An act to amend an act entitled "An act to extend the term of the board doing county business, in the county of Tippecanoe.

By Mr. Tackett:

No. 79. An act to amend an act entitled "An act to modify the thirtieth section, chapter sixteen, of the Revised Statutes, approved January 19th, 1846.

By Mr. Nofsinger:

No. 80. An act for the benefit of Parke County Seminary.

By Mr. Sleeth:

No. 82. An act to repeal an act therein named, so far as the county of Shelby is concerned.

By Mr. Green:

No. 83. A bill to extend the jurisdiction of justices of the peace.

By Mr. Julian:

No. 84. A bill to reduce the price of the Revised Statutes of 1843.

By Mr. Wiley:

No. 85. An act to repeal part of an act therein named;

Which were each read a first time, and ordered to a second reading on to-morrow.

Mr. Huddleston, the rules being suspended, offered the following:

Resolved, That the committee on roads be instructed to inquire what further legislation is necessary to protect the Cumberland road and such materials as have been provided by the General Government for the use of said road, and report by bill or otherwise.

Which was adopted.

Mr. Dunham, the rules being suspended, offered the following:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the statutes on the subject, that the boards of commissioners of the several counties shall be composed of one member from each township in the county, to be elected by the legal voters of such township at their April elections, and to hold his office for one year and until his successor is elected and qualified.

Which was adopted.

Mr. Moore, on leave given, introduced the following resolution:

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of authorizing the purchasers of Wabash and Erie Canal lands to have the same surveyed at their own expense, so as to make an equal division of the sections of said lands; which was,

On motion by Mr. Miller,

Laid upon the table.

BILLS INTRODUCED.

By Mr. Harlan:

No. 81. An act for the further relief of the securities of James A. Kindle, late treasurer and collector of Madison county, Indiana;

Which was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

By Mr. Suit:

No. 86. An act to extend the benefit of a certain act therein named to the county of Clinton;

Which was read a first and second times, the rules being suspended, amended by inserting the county of "Carroll," and the bill, as amended, referred to a select of Messrs. Suit, Hanna, and Palmer.

The messages of the Senate were then taken up.

A message from the Senate by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House, that the Senate have passed the following engrossed bills thereof:

No. 16. A bill for the relief of Victor A. Pepin, of Floyd county.

No. 21. A bill requiring a *nolle prosequi* in the Dubois circuit court.

In which the concurrence of the House is respectfully requested.

Said bill, No. 16, was read a first and second time, the rules being suspended, and ordered to a third reading;

And said bill, No. 21, was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Also, the following message was received from the Senate by Mr. Jones, their secretary:

Mr. Speaker:

I am instructed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills and joint resolutions thereof:

No. 4. A bill to revive an act entit'ed, an act to locate a State road from Point Commerce, in Greene county, to the feeder dam on Eel river, in Clay county, approved January 20, 1846.

No. 11. A bill to legalize the adjournment of the Decatur circuit court at the fall term, 1846.

No. 6. A bill to change the time of holding the circuit courts in the county of Wells, and for other purposes.

No. 31. An act providing for a special term of the Madison circuit court.

No. 28. A joint resolution to the Congress of the United States on the subject of increasing the monthly pay, and making a donation of land to the volunteers in the Mexican war.

No. 15. A bill to change the time of holding probate courts in the August term in Greene county.

No. 23. A bill to repeal so much of the third section of an act entitled, an act fixing the time of holding the courts in the ninth judicial circuit, as relates to docket fees.

No. 7. An act relating to the office of auditor of Union county.

No. 17. A bill to amend an act to authorize the sale of school land in township two south, of range one west, in the county of Crawford, approved December 31, 1845.

No. 14. A bill authorizing the auditor of Henry county to sell a certain tract of land therein named.

No. 18. A bill to repeal a joint resolution therein named.

The Senate have also passed the following engrossed bills of the House without amendment.

No. 16. A bill to legalize the acts of the board of commissioners in the county of Grant.

Also, the following bill of the House:

No. 1. An act for the extension of the time of holding the probate courts in certain counties therein named;

With amendments.

In which the concurrence of the House is respectfully requested.

Bills No. 4, 11, 6, 15, 23, 7, 17, 14, and 18, in said message mentioned,

Were each read a first time and ordered to a second reading on to-morrow.

Bill No. 28, in said message mentioned,

Was read a first and second times, the rules being suspended, was amended; and,

On motion by Mr. Noel, as follows:

"To increase the pay to twelve dollars per month, and non-commissioned officers in proportion;"

And the bill, as amended, referred to a select committee of Messrs. Noel, Secrest, and Fuller.

Bill No. 31, in said message mentioned,

Was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

The amendments of the Senate to the bill of the House, No. 1, was concurred in.

Ordered, That the clerk inform the Senate thereof.

Also, the following message from the Senate by Mr. Berry of Franklin, a Senator.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that they have passed

No. 9. A bill for the relief of Joseph Dickey and David Quinn.

And to respectfully ask the concurrence of the House therein.

Said bill, No. 9,

Was read a first and second times, the rules being suspended, and referred to the committee on claims.

ORDERS OF THE DAY.

House Bills on Third Reading.

No. 27. A bill for the better regulation of the county board in the county of Warrick;

No. 28. A bill to repeal a certain law therein named;

No. 29. An act to establish a State road in a portion of the dividing line of the counties of De Kalb and Steuben;

No. 33. An act to incorporate the Clifty band of musicians, in Decatur county.

No. 39. An act to vacate the town of Independence, in Laporte county;

No. 41. A bill to vacate certain streets and alleys in the town of Noblesville, Hamilton county;

No. 42. A bill relative to the probate court of Fayette county;

No. 43. An act relative to swinging gates on highways;

No. 44. An act to vacate a part of the town of Blairsville, in Posey county, Indiana;

No. 48. An act relating to the probate court in Allen county;

Which were each severally read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 58. A joint resolution instructing our Senators and requesting our Representatives to use their exertion to have the pay of volunteers and militia in the service of the United States increased.

Mr. Carr of Lawrence moved to reconsider the vote taken on engrossing the same.

Which motion prevailed.

And said joint resolution was then laid upon the table.

No. 70. A joint resolution to suspend the operation of "An act to provide for a settlement with the former superintendent of the State Prison," passed at the present session of the General Assembly;

Was laid upon the table by consent of the House.

HOUSE BILLS ON SECOND READING.

No. 56. An act to repeal an act entitled "An act for the relief of the people of Noble, Lagrange, Steuben and De Kalb counties," approved January 31, 1843;

No. 65. A bill to amend article 1, of chapter 42, of the Revised Statutes, on the subject of liens of mechanics and others on buildings;

Were each read a second time and ordered to be engrossed for a third reading.

No. 57. An act to amend an act entitled "An act to compel spec-

ulators to pay a road tax equal to that paid by actual settlers," approved January 31, 1842;

No. 61. A bill to extend the time of receiving work on road tax in the counties therein named;

No. 62. An act to amend an act entitled "An act to compel speculators to pay a road tax equal to that paid by actual settlers," approved January the 31st, 1842;

Were each read a second time and referred to the committee on roads;

No. 59. A joint resolution relative to the land office at Winnamac;

Was read a second time, when

Mr. Colms moved to strike out "Peru" in the resolution, and insert "Rochester, Fulton county."

Mr. Palmer moved to amend the amendment by striking out "Rochester, Fulton county," and inserting "Logansport."

Which motion he afterwards withdrew; and,

On motion by Mr. Dunham,

The joint resolution was laid on the table.

No. 60. An act to fix the time of holding courts in the tenth judicial circuit;

Was read a second time and referred to a select committee of Messrs. Carr of Lawrence, Watts, and Dobson.

No. 63. A bill regulating chancery practice;

Was read a second time, and referred to the committee on the judiciary.

No. 64. A bill regulating the district trustees of common schools;

Was read a second time, and referred to the committee on education.

No. 66. A bill to reduce the expenses of Floyd county;

Was read a second time, when

Mr. Carr of Lawrence moved to refer the bill to the committee on ways and means, with instructions to make the provisions of the bill general.

Pending which,

On motion by Mr. Huddleston,

The House adjourned until 2 o'clock, P. M.

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2 o'clock, P. M.

House met.

Mr. Battell, member elect from the county of Vanderburgh, appeared, produced his credentials, was sworn in by the Speaker, and took his seat as a member of this House.

The question pending before the House at the adjournment was, on referring bill of the House, No. 66. A bill to reduce the expenses of Floyd county, to the committee of ways and means, with instructions to make the provisions of the bill general.

Mr. Crookshank offered the following as an amendment:

"That the committee be instructed to inquire into the expediency of reducing the fees of clerks and sheriffs of the circuit courts, and if expedient, amend the bill accordingly."

Which amendment of Mr. Crookshank was so adopted.

The question then being on referring the bill, with the instructions, to the committee on ways and means,

Messrs. Secrest and Harvey demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Arnold, Brown, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Crookshank, Deam, Decker, Dobson, Fuller, Gilleece, Hall of Posey, Hanna, Hatfield, Holman, Huddleston, Huff, Jenison, Johnson, Jones of Green, Lewis, Logan, Mason, May, Miller, Neal, Nofsinger, Osborn, Palmer, Parks, Powell, Secrest, Sleeth, Smiley, Summers, Tackett, Tebbs, Thomas, Thompson, Trimble, Watts, Wiley, Wilson, Wolfe, Woodruff, and Young—47.

Those who voted in the negative are,

Messrs. Anthony, Cassatt, Clark, Colms, Dowling, Edwards, Ferguson, Griffis, Green, Hall of Warren, Hamilton, Harvey, Hendricks, Hicks, Hill, Holland, Hostetter, Hull, Hunt, Jones of Blackford, Julian, Lutz, McCormack, Moore, Noel, Norton, Parker, Porter, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Tait, Walker, Wise, and Yaryan—37.

So said bill, with the instructions, was referred to the committee of ways and means.

The Speaker laid before the House the report of the trustees of the hospital for the insane.

Which was laid upon the table, and three hundred copies ordered to be printed.

No. 67. An act fixing the time for the report of the trustees of Indiana Asylum for educating the deaf and dumb;

was read a second time and referred to the committee on scientific and benevolent institutions;

No. 68. A bill to authorize the board doing county business in the county of Orange to appoint an appraiser of real estate, subject to taxation, at their March term, 1847;

No. 71. A bill to vacate certain streets and alleys in the town of Orleans, in the county of Orange;

Were each read a second time and ordered to be engrossed for a third reading.

No. 69. A bill defining the duties of clerks of the probate courts;

No. 72. A bill relating to congressional township four north, of range ten east, in Jefferson county;

Were each read a second time and referred to the judiciary committee, the last with the following instructions offered by Mr. Hendricks:

"To inquire whether we have a right to legislate on the subject of this bill, and oust individuals of their vested rights."

No. 74. A bill for the relief of the voters of Warrick county;

Was read a second time, amended by inserting the counties of Wabash, Brown, Johnson, Washington, Madison and Boone, and the bill then,

On motion by Mr. Thompson,

Referred to the committee on elections, with instructions "to inquire into the expediency of making the provisions of the bill general."

No. 75. An act entitled "An act declaring a part of Salt Creek a public highway," approved February 13, 1840;

Was read a second time and referred to the committee on roads.

BILLS INTRODUCED.

By Mr. Dunham,

No. 87. A bill to provide for a settlement with the superintendent of the State Prison;

Was read a first and second times, the rules being suspended, and referred to the committee on the State Prison.

By Mr. Holman:

No. 88. A bill fixing the salary of the auditor of Miami county;

Was read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Holman, Carnahan, and Palmer.

By Mr. Thompson:

No. 89. A bill to amend the statutes in regard to the collection of debts, and enforcing decrees in chancery;

Was read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

By Mr. Harvey:

No. 90. An act in relation to the service of subpœnas in chancery.

By Mr. Palmer:

No. 91. A bill fixing the time of holding courts in the eighth judicial circuit.

By Mr. Osborn:

No. 92. An act to amend the first section of an act entitled an

act, prescribing the mode of selecting petit jurors in Sullivan county, approved January 6th, 1846;

Were each read a first time, and ordered to a second reading on to-morrow.

On motion by Mr. Noel,

Resolved, That the judiciary committee inquire whether James P. Drake, a director on the part of the State of the State Bank of Indiana, has or has not vacated said office, by his voluntary absence from the State, and in accepting a military office in the service of the United States; and report at as early a day as convenient.

On motion by Mr. Shields,

Resolved, That the committee on the judiciary be instructed to inquire if any farther legislation is necessary to authorize the clerks of probate courts to administer oaths in vacation, in all matters connected with the business of said courts; and if so, what, and report by bill or otherwise.

On motion by Mr. Hicks,

Resolved, That the committee on ways and means be instructed to inquire into the expediency of reporting a bill to this House, providing for the reduction of the fees of the several county treasurers, and county auditors in this State upon uniform and general principles, by which auditors shall be paid as now, by the hundred words, and treasurers two and a half per centum for amounts collected, not exceeding a specified sum, and rateable reductions on further specified increased amounts.

On motion by Mr. Noel,

Resolved, That the committee on benevolent and scientific institutions be instructed to inquire into the causes that led to the recent withdrawal or discharge of Mrs. Mary A. W. Johnson, as Matron, from the State Deaf and Dumb Institution located in this city, with powers to send for persons and papers, if found necessary, and report to this House, that justice may be done the parties interested, and,

On motion by Mr. Stanfield,

The House adjourned until to-morrow morning, 9 o'clock.

THURSDAY MORNING, December 17th, 1846.

The House met pursuant to adjournment.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Logan, the petition of sundry citizens of Pike county, in relation to the office of county auditor;

Which was referred to the committee on the judiciary.

By Mr. Osborn, the petition of sundry citizens of the counties of Knox and Sullivan, upon the subject of leveeing the Wabash river, on Shaker prairie;

Which was laid upon the table.

By Mr. Huffstetter, the petition of H. A. Shepard and others, relative to perfecting the title made by the said Shepard and others, to Wiley M. and Ann Edmonston, to certain parcels of ground in the petition mentioned;

Which was referred to a select committee of Messrs. Huffstetter, Secrest, and May.

Mr. Hendricks made the following report:

Mr. Speaker:

The committee of ways and means to whom was referred bill No. 13, of the House, entitled "A bill for the extension of the time of redeeming lands sold for taxes, and for other purposes, have had the same under consideration, and have instructed me to report said bill back to the House, and recommend its indefinite postponement.

Which report was concurred in.

And said bill indefinitely postponed.

Mr. Secrest made the following report:

Mr. Speaker:

The standing committee of ways and means to whom was referred resolutions of the House Nos. 21 and 42, on the subject of taxes charged against the volunteers in the service of the United States, in Mexico, have considered the subject referred to them, and have directed me to report a bill entitled No. 93, "A bill to postpone the payment of taxes charged against volunteers in the army of the United States," and respectfully recommend its passage, and ask that the committee be discharged from the further consideration of said resolutions.

Which report was concurred in.

And said bill No. 93, read three several times, the rules being suspended, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Carr of Lawrence, made the following report:

MR. SPEAKER:

The committee of ways and means, to which was referred bill of the House No. 12, entitled, "a bill to provide for the issue of patents upon tax sales of Wabash and Erie Canal lands," have, according to order, had the same under consideration, and have directed me to report the same back to the House with one amendment, and when so amended, recommend its passage, to-wit: first section, fourteenth line, immediately after the word "made," insert the following:

"If said land shall not have been redeemed by the owner, as now provided for by law for the redemption of other lands sold for taxes."

Which amendment was concurred in, and the bill read a second time, when,

Mr. Noel moved to strike out all that part which relates to the publication in the "Journal" and "Sentinel."

Which motion prevailed.

And the rules were suspended, the bill read a third time, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Colms made the following report:

MR. SPEAKER:

The committee on ways and means, to whom was referred a resolution of this House, instructing said committee to inquire into the expediency of amending the law in relation to the sale of delinquent lands for the non-payment of taxes, have had that matter under consideration, and have instructed me to report it inexpedient to legislate on that subject, and would ask to be discharged from the further consideration thereof.

Which report was concurred in;

And said committee discharged from the further consideration of the subject.

Mr. Ferguson made the following report:

MR. SPEAKER:

The committee on the affairs of the State Prison, to whom was

referred bill of the House, No. 87. A bill to provide for a settlement with the Superintendent of the State Prison; have considered the same, and unanimously direct me to report said bill back to the House without amendment, and to respectfully recommend its passage.

Which report was concurred in;
And said bill read a second and third times, the rules being suspended, and passed.
Ordered, That the clerk inform the Senate thereof.
Mr. Thompson made the following report:

Mr. Speaker:

The committee on claims, to which was referred the petition No. 4, of William Smith, praying for relief, have duly considered the same, and have instructed me to report that it is inexpedient to legislate upon that subject, and ask to be discharged from the further consideration of the petition.

Which petition of Mr. Smith was,
On motion by Mr. Dunham,
Recommitted to a select committee of Messrs. Dunham, Ferguson, and Mason.
Mr. Thompson made the following report:

Mr. Speaker:

The committee on claims, to which was referred the petition of S. P. Morgan, have, after an examination of his claim, instructed me to report the following bill:
No. 94. A bill for the relief of S. P. Morgan;
Which was read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Balding, Dunham, and Carr of Clark.
Mr. Thompson made the following report:

Mr. Speaker:

The committee on claims, to which was referred a bill of the House of Representatives, No. 50, entitled, "a bill for the relief of Jacob Emshwiler," have, after due consideration, instructed me to report that it is inexpedient, by legislation, to grant the relief sought, and recommend its indefinite postponement.

Which report was not concurred in:
But the bill and report,
On motion by Mr. Jones of Blackford,

Was laid upon the table.
Mr. Thompson made the following report:

MR. SPEAKER:

The committee on claims, to which was referred the petition of Nathaniel Bolton, No. 6, praying for relief, have instructed me to report, that although the claim set forth in the petition may be just, yet there is no proof, whatever, furnished to establish it; therefore it is inexpedient to legislate upon that subject, and recommend that it be laid on the table.

Which report was concurred in.
Mr. Dole made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred bill of the House No. 19, entitled "an act for the relief of purchasers of canal lands," have had the same under consideration, and have directed me to report the same back to the House with the following amendment, and recommend its passage:

Strike out all after the enacting clause, and insert the following;
Which is a new bill.
Which report was not concurred in;
But the bill and report was,
On motion,
Laid upon the table.
Mr. Logan made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred bill of the House No. 45, entitled "a bill to postpone the sale of all forfeited canal lands east of the mouth of the Tippecanoe river," have had the same under consideration, and have instructed me to report the same back to the House and recommend that it be laid on the table, as it is believed, by the committee, that what is asked for in this bill, is provided for by a bill reported to the House by said committee, and ask to be discharged from the further consideration thereof.

Which report was concurred in;
And said bill laid upon the table.
Mr. Logan made the following report:

Mr. Speaker:

The committee on canals and internal improvements, to whom was referred bill of the House No. 73, entitled "a bill to amend an act entitled an act for the relief of purchasers of canal lands, approved January 19, 1846," have had the same under consideration, and have instructed me to report the same back to the House and recommend that it be laid on the table, as the same has been provided for in another bill, and to ask to be discharged from the further consideration thereof.

Which report was concurred in;
And said bill laid upon the table.
Mr. Dole made the following report:

Mr. Speaker:

The committee on canals and internal improvements to whom was referred bill No. 31, entitled "A bill for the relief of Thomas Wood and John Curtis," (with depositions accompanying the same,) have had the same under consideration, and have instructed me to report the same back to the House, and recommend that it be laid upon the table, and that the committee be discharged from the further consideration thereof.

Which report was concurred in, and said bill, with the accompanying evidence, laid upon the table.
Mr. Stewart of Fayette made the following report:

Mr. Speaker:

The committee on trust funds to which was referred bill No. 51, have instructed me to report said bill back to the House, and ask its passage.
No. 51. An act repealing certain acts in relation to the county of Posey.

Was read a second time, and ordered to be engrossed for a third reading.
Mr. Thompson, on leave given, made the following report:

Mr. Speaker:

The committee on claims to which was referred a bill of the Senate numbered 9, "for the relief of Joseph Dickey and David Quinn" have had the same under consideration; and have unanimously directed me to report the same back to the House, and recommend its passage.

Said bill was read a second and third times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof:

Mr. Jones of Blackford, made the following report:

Mr. Speaker:

The select committee to whom was referred the petition of sundry citizens of Blackford county, praying for the passage of a law, requiring a license for keeping stallions and jacks in said county, have had the same under consideration, and have directed me to report the following bill, and recommend its passage.

No. 95. An act entitled an act for the improvement of the breed of horses and mules in the county of Blackford.

Was read a first time, and ordered to a second reading.

Mr. Hanna made the following report:

Mr. Speaker:

The select committee to whom was referred the petition of sundry citizens of Carroll county, praying for the incorporation of the Delphi Manufacturing Company, have had the same under consideration, and have directed me to report the following bill:

No. 95. An act to incorporate the Delphi Manufacturing Company.

Was read a first and second times, the rules being suspended, and referred to the committee on corporations.

On motion by Mr. Colms,

Resolved, That the State Printer be and he is hereby requested to report to this House at the earliest period, whether or not, in his opinion, the amount now allowed by law for the public printing is, or is not, more than a reasonable and just compensation for said services; and if so, in what particular a reduction may be made?

On motion by Mr. Dowling,

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of immediately memorializing Congress to pass a law authorizing and directing the Commissioner of the General Land Office to confirm the selection of the 35,219 acres of land, made by the agents of this State in 1843, to aid in completing the Wabash and Erie Canal, notwithstanding said lands may not have been subject to "private entry."

Mr. Moore offered the following:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of authorizing and requiring the board of commissioners of each county in this State to fix and regulate, from time to time, the fees and salaries of clerks of the circuit court,

county auditors, recorders, sheriffs, county treasurers, and all other officers of such county, and report by bill or otherwise.

Which was not adopted.

On motion by Mr. Powell,

Resolved, That it is inexpedient to enact laws of a local nature, when the subject matter thereof might be general in its operations.

On motion by Mr. Julian,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the law as to extend the jurisdiction of justices of the peace over all cases of indebtedness accruing in their several townships, where the debtor resides in the county, and report thereon by bill or otherwise.

On motion by Mr. Hanna,

Resolved, That the committee on roads be instructed to inquire into the expediency of amending the eighty-first section of chapter sixteen of the Revised Code, so as to secure the payment from non-residents of any assessments of labor made by supervisors under said section of law.

On motion by Mr. Dole,

Resolved, That the clerk of this House be authorized to employ assistants whenever the business of his office may require it.

On motion by Mr. Hamilton,

Resolved, That the committee on roads inquire into the expediency of repealing so much of section 30, of article 1, chapter 16, of Revised Statutes of 1843, as requires all public highways laid out by authority of the county commissioners not to be less than forty feet wide, and of so amending said section as to leave the width of public highways, ordered to be opened by the county commissioners, a matter of discretion with said commissioners, and that said committee report by bill or otherwise.

On motion by Mr. Tait,

Resolved, That the committee on military affairs be instructed to report a bill at as early a day as practicable, for the better organization of the militia of this State.

On motion by Mr. Noel,

Resolved, That the committee on roads be instructed to inquire into the expediency of so amending the road laws, as to permit the owners of lands through which roads may be located, to give up, at their option, such suitable timber to be had within a reasonable distance of such roads, as may be required in their construction and improvement.

On motion by Mr. Lemmonds,

Resolved, That the members of this House will not grant leave for any concert or any public show, or any performance whatever, the design of which is to make money, to be held in the hall of this House during the session of the present legislature.

On motion by Mr. Parks,

Resolved, That the committee on the judiciary be instructed to

inquire into the expediency of so amending the several laws now in existence in relation to the fees and salaries of the several officers of this State, so as to have the same published with the laws of 1847, and report by bill or otherwise.

The Speaker laid before the House the report of J. H. Sprague, containing his award to J. R. Morelege, a contractor on the Madison and Indianapolis Railroad;

Which was referred to the committee on canals and internal improvements.

BILLS INTRODUCED.

By Mr. Suit:

No. 97. An act to legalize certain acts of the board of commissioners of Clinton county;

Was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

By Mr. Arnold:

No. 98. A bill making an appropriation to pay J. R. Morelege a contractor on the Railroad;

Was read a first and second times, the rules being suspended, and referred to the committee on canals and internal improvements.

By Mr. Cravens:

No. 99. An act to amend and extend the 18th, 19th, and 20th sections of the 41st chapter of the Revised Code of 1843, in relation to the proceedings in domestic and foreign attachment;

Was read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

By Mr. Hatfield:

No. 100. An act providing for the election of township assessors in Hancock county;

Was read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Hatfield, Colms, and Norton.

By Mr. Tait:

No. 101. A bill to secure to the county of Ohio a share of the common school funds, and for other purposes;

Was read a first and second times, the rules being suspended, and ordered to be engrossed for a third reading.

By Mr. Scott:

No. 104. A bill fixing the compensation of supervisors of roads and highways;

Was read a first and second times, the rules being suspended, and referred to the committee on roads.

By Mr. Gordon:

No. 106. A bill to amend the charter of the Hagerstown Canal Company, and to legalize their acts;

Was read a first and second times, the rules being suspended, and referred to the committee on corporations.

By Mr. Harvey:

No. 108. An act in relation to proof of notice by publication;

By Mr. Wolfe:

No. 112. An act to amend the existing laws in relation to the duty of executors and administrators in certain cases;

Were each read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

By Mr. Dowling:

No. 107. An act to change the names of Francis Anthony Fisher and Minerva Ridge, to the names of Francis Anthony Greenwood and Minerva Greenwood;

Was read a first and second times, the rules being suspended, and ordered to be engrossed for a third reading on to-morrow.

By Mr. Miller:

No. 102. An act forming all that portion of township one north, of range ten west, which lies south of White river, in Gibson county, into a congressional township for school purposes;

By Mr. Woodruff:

No. 103. A bill to repeal an act entitled, "an act for the protection of wild fruit growing on the public land in the counties of Lake, Porter, Laporte, St. Joseph, Marshall, Fulton, and Kosciusko, approved January 13, 1844;

By Mr. Carr of Clark:

No. 105. A bill to enable defendants in State cases to take depositions;

By Mr. Julian:

No. 109. A bill defining the duties of county treasurers;

By Mr. Secrest:

No. 110. A bill to change the time of holding courts in the seventh judicial circuit, and for other purposes;

By Mr. Watts,

No. 11. An act to vacate certain alleys in the town of Bloomington;

Were each read a first time and ordered to a second reading on to-morrow.

On motion by Mr. Holland,

The House adjourned until 2 o'clock.

2 *o'clock, P. M.*

House met.

ORDERS OF THE DAY.

Senate Bills on Third Reading.

No. 14. A bill authorizing the auditor of Henry county to sell a certain tract of land therein named;

No. 16. An act for the relief of Victor A. Pepin, of Floyd county;

No. 17. A bill to amend an act entitled "An act to authorize the sale of school lands in township two south, of range one west, in the county of Crawford," approved December 31, 1845;

No. 18. A bill to repeal a joint resolution therein named;

Were each read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

HOUSE BILLS ON THIRD READING.

No. 56. An act to repeal an act entitled "An act for the relief of the people of Noble, Lagrange, Steuben and De Kalb counties," approved January 31st, 1843;

No. 65. A bill to amend article 1, of chapter 42, of the Revised Statutes, on the subject of the liens of mechanics and others on buildings;

No. 68. A bill to authorize the board doing county business in the county of Orange to appoint an appraiser of real estate subject to taxation, at their March term, 1847.

No. 71. A bill to vacate certain streets and alleys in the county of Orange;

Were each read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

SENATE BILLS ON SECOND READING.

No. 4. A bill to revive an act entitled "An act to locate a State road from Point Commerce, in Greene county, to the feeder dam on Eel river, in Clay county," approved January 20, 1846;

No. 6. A bill to change the time of holding the circuit courts in the county of Wells, and for other purposes;

No. 7. An act relating to the office of auditor of Union county;

Were each read a second time and ordered to a third reading.

No. 11. A bill to legalize the adjournment of the Decatur circuit court, at the Fall term, 1846;

No. 15. A bill to change the time of holding probate courts at the August term, in Greene county;

Were each read a second and third times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

No. 23. A bill to repeal so much of the 3d section of an act entitled "An act fixing the time of holding the courts in the ninth judicial circuit, as relates to docket fees;

Was read a second time and laid upon the table.

HOUSE BILLS ON SECOND READING.

No. 77. An act to change the name of James Morris Smith to that of James Morris Vestal;

No. 78. An act to amend an act entitled "An act to extend the terms of the board doing county business in the county of Tippecanoe;

No. 80. An act for the benefit of Parke county seminary;

No. 82. An act to repeal an act therein named, so far as the county of Shelby is concerned;

No. 92. An act to amend the 1st section of an act entitled "An act prescribing the mode of selecting petit jurors in Sullivan county," approved January 6, 1846;

Which were each read a second time and ordered to be engrossed for a third reading.

No. 79. An act to amend an act entitled "An act to modify the 30th section, chapter 16, of the Revised Statutes," approved January 19, 1846;

No. 83. A bill to extend the jurisdiction of justices of the peace;

No. 85. An act to repeal part of an act therein named;

No. 90. An act in relation to the service of subpœnas in chancery;

Were each read a second time and referred to the committee on the judiciary.

84. A bill to reduce the price of the Revised Statutes of 1843;

Which was read a second time, amended on motion by Mr. Palmer, by striking out "fifty cents," and the bill, as amended, ordered to be engrossed for a third reading.

No. 91. A bill fixing the time of holding courts in the 8th judicial circuit;

Was read a second time and referred to a select committee of Messrs. Palmer, Holman and Balding.

The following message was received from the Senate by Mr. Jones, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bill thereof:

No. 24. A bill providing for the payment of damages assessed or to be assessed for private property taken for public use in the construction of the Wabash and Erie canal.

In which the concurrence of the House of Representatives is respectfully requested.

Said bill was read a first time and ordered to a second reading on to-morrow.

Mr. Noel made the following report:

MR. SPEAKER:

The select committee, to whom was referred a joint resolution on the subject of increasing the monthly pay and making a donation of land to the volunteers in the Mexican war, have had the same under consideration, and have directed me to report said joint resolution back to the House with the following amendment as a substitute:

Strike out from the enacting clause and insert the following:

SEC. 1. That our Senators in Congress be instructed, and our Representatives requested, to use their exertions to procure the passage of a law increasing the monthly pay of the volunteers now in the service, or who may hereafter be mustered into the service of the United States in the war now existing with Mexico; and also, to procure a bounty to each volunteer, of one hundred and sixty acres of land, to be selected from any part of the public domain.

SEC. 2. *Be it further resolved*, That His Excellency, the Governor, be requested to transmit to each of our Senators and Representatives in Congress a copy of this joint resolution.

Which amendment was concurred in, and the bill as amended, read a second and third times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Holman made the following report:

MR. SPEAKER:

The committee to whom bill of the House No. 88, a bill fixing the salary of the auditor of Miami county, was referred, report that they have had the same under consideration, and instructed me to report the same back, without amendments, and respectfully request its passage.

Which report was concurred in, and said bill read a second time and ordered to be engrossed for a third reading.

Mr. Harlan, chairman of a select committee, made the following report:

MR. SPEAKER:

The select committee, to which was referred the petition of William Lomax and his wife, Sarah Lomax, praying that the name of Ellen Loudenberger should be changed to that of Ellen Lomax, have

had that subject under consideration, and directed me to report the following bill, and recommend its passage:

No. 114. An act to change the name of Ellen Loudenberger to that of Ellen Lomax;

Was read a first time and ordered to a second reading.

Mr. Harlan, chairman of a committee for that purpose heretofore appointed, made the following report:

Mr. Speaker:

The select committee, to which was referred the petition of William Hall and others, praying for the location of a State road commencing at Jonesborough, in the county of Grant, and running to Kokomo, in Richardville county, have had that subject under consideration, and directed me to report the following bill and recommend its passage:

No. 115. An act to locate a State road in the counties of Grant and Richardville;

Was read a first time and ordered to a second reading.

Mr. Cassatt introduced the following:

No. 113. A joint resolution on the subject of school section number 16, township 27, range 6;

Which was read a first time and ordered to a second reading.

Mr. Palmer introduced the following:

No. 116. An act to change the name of Richardville county;

Was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Harlan introduced bill

No. 117. A bill to regulate the granting of licenses and permits to travelling merchants and pedlars;

Which was read a first time and ordered to a second reading.

Mr. Parker presented the petition of George P. Smith asking for relief;

Which was referred to a select committee of Messrs. Parker, Palmer, and Hanna. And,

On motion by Mr. Harlan,

The House adjourned until to-morrow morning, 9 o'clock.

FRIDAY MORNING, DECEMBER 18, 1846.

The House met pursuant to adjournment.

PETITIONS, MEMORIALS, &C. PRESENTED.

By Mr. Hanna, the petition of sundry citizens of Cass, Clinton, Carroll and Richardville counties, for the organization of a new county out of a portion of said counties;

Which was laid upon the table.

By Mr. Suit, the petition of Benoni Fortners and others, for relief of purchasers of Wabash and Erie canal lands;

Was referred to the committee on canals and internal improvements.

By Mr. Hamilton, the petition of sixty-six citizens of Decatur county, praying a repeal of the black laws;

Which was laid upon the table.

By Mr. Tait, a petition for the passage of more efficient laws for the protection of religious assemblies;

Which was referred to the committee on the judiciary.

By Mr. Hanna, the petition of lessees of water power at Wabash dam number four, for relief;

Which was referred to the committee on canals and internal improvements.

By Mr. Carr of Lawrence, the petition of Vinson Williams and one hundred and twenty-two others, citizens of Lawrence county, praying the repeal of all special acts on the subject of roads and highways in said county;

Which was laid on the table.

By Mr. Colms, a petition from the citizens of the counties of Kosciusko and Marshall for the location of a certain road therein named;

Which was referred to a select committee of Messrs. Colms, Parks and Wilson.

Mr. Suit made the following report:

MR. SPEAKER:

The committee on elections, to whom was referred by resolution No. 22, the certificates of election of the respective members, have directed me to make the following report: That they have examined the same and find that the following named persons were duly elected Representatives to this House on the first Monday of August last, and in pursuance of the laws of this State, from the several counties of this State, to wit:

From the counties of Adams and Wells—John A. Deam.

Allen—Christian Parker.

Bartholomew—Ephraim Arnold. White
Benton, Jasper, Pulaski and ~~Wells~~—Samuel Decker.
Blackford and Jay—William F. Jones.
Boone—Stephen Neal.
Brown—William M. Mason.
Carroll—Albert G. Hanna.
Cass and Richardville—William S. Palmer and Hervey Brown.
Clark—John D. Ferguson and Thomas Carr.
Clay—John Lewis.
Clinton and Tipton—James F. Suit.
Crawford and Orange—David S. Huffstetter and Simon S. Monk.
Daviess and Martin—Zachariah Walker.
Dearborn—John D. Johnson and Alvin G. Tebbs.
Decatur—Philander Hamilton.
De Kalb and Steuben—George W. Balding.
Delaware—John Trimble.
Dubois—George W. Lemmonds.
Elkhart—Asa A. Norton.
Fayette—William Stewart.
Floyd—Jacob Anthony.
Fountain—George May.
Franklin—Spencer Wiley and E. D. Crookshank.
Fulton and Marshall—James O. Parks.
Gibson—Smith Miller.
Grant—Andrew J. Harlan.
Greene—John Jones.
Hamilton—Samuel Jenison and Jesse Lutz.
Hancock—Andrew F. Hatfield.
Harrison—William A. Porter.
Hendricks—Jonathan S. Harvey.
Henry—John Powell and Simon Summers.
Huntington and Whitley—James Gilleece.
Jackson—Mede W. Shields.
Jefferson—Fabius Hull, William Hendricks, Jr., and Thomas Wise.
Jennings—Allen Hill.
Johnson—Gilderoy Hicks.
Knox—Robert N. Carnan.
Kosciusko—Stephen H. Colms.
Lagrange—John Y. Clark.
Lake and Porter—Harvey E. Woodruff.
Laporte—Franklin W. Hunt and Samuel Stewart.
Lawrence—George W. Carr.
Madison—William Young.
Marion—William M. Moore, S. V. B. Noel and Samuel Harding.
Miami—George W. Holman.
Monroe—John S. Watts.
Montgomery—Francis H. Fry and Sherman Hostetter.
Morgan—Isaac W. Tackett.

Noble—Thomas H. Wilson.
Ohio and Switzerland—John Tait, Jr.
Owen—James W. Dobson.
Parke—James Kerr and William R. Nofsinger.
Perry—George B. Thompson.
Pike—Robert Logan.
Posey—Magnus T. Carnahan and John Hall.
Putnam—Henry Secrest and David Scott.
Randolph—James Griffis.
Ripley—James H. Cravens.
Rush—William Thomas and John M. Huddleston.
Scott—Horatio N. Holland.
Shelby—James M. Sleeth.
Spencer—Wilson Huff.
St. Joseph—Thomas S. Stanfield.
Sullivan—Silas Osborn and Benjamin Wolfe.
Tippecanoe—Thomas Smiley and Philip McCormack.
Union—John Yaryan.
Vanderburgh—Charles I. Battell.
Vermillion—William P. Dole.
Vigo—William K. Edwards and John Dowling.
Wabash—Jacob D. Cassatt.
Warren—Colbrath Hall.
Warrick—Isham Fuller.
Washington—Cyrus L. Dunham and Thomas Green.
Wayne—William S. Addleman, Jacob B. Julian, Solomon Meredith, and Robert Gordon.

Mr. Stanfield made the following report:

Mr. Speaker:

The committee to which was referred House bill No. 37, have had the same under consideration, and directed me to report the same back to the House and recommend its passage.

No. 37. A bill authorizing masters in chancery to take acknowledgements, &c.

Was read a second time and lost on the question of its engrossment.

Mr. Harvey made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred a resolution of this House, No. 19, instructing said committee to inquire into the expediency of passing a law to authorize the board doing county business in the several counties, to make allowance to persons that

may spend their time and money in arresting fugitives from justice, in case such costs cannot be made out of the effects of such fugitive; to be paid out of the county treasury where the offence may be committed, have had the same under consideration, and instructed me to report, that it is inexpedient to pass such law; and said committee ask to be discharged from further consideration of the subject.

Which report was concurred in.
Mr. Dunham made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred so much of the Governor's Message as relates to houses of refuge, have had the same under consideration, and have instructed me to report, that in the opinion of the committee, legislation on that subject, at this time, would be inexpedient.

Which was concurred in.
Mr. Julian made the following report:

Mr. Speaker:

The judiciary committee, to whom was referred the petition of Theophilus Bryan, No. 10, praying for certain privileges therein specified, have had the same under consideration, and direct me to report that, in their opinion, it would be inexpedient to legislate on the subject matter thereof, and the committee ask to be discharged, &c.

Which was concurred in.
Mr. Stanfield made the following report:

Mr. Speaker:

The committee to which was referred a resolution of the House, instructing said committee to inquire into the propriety and necessity of prohibiting persons from practising as surgeons and physicians, unless they shall have first obtained a license from some medical institution, or board of physicians, constituted and appointed for that purpose, have had the same under consideration, and directed me to report, that legislation on that subject is inexpedient.

Which report was concurred in.
Mr. Sleeth made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred House bill No. 53, entitled "an act to amend certain acts therein named,"

have had that subject under consideration, and have directed me to report the same back to the House with the following amendment:

Striking out all from the enacting clause and inserting in lieu thereof the following, which is a new bill, and respectfully recommend its passage.

Which amendment was adopted;

And said bill, as amended, read a second time, and ordered to be engrossed for a third reading.

Mr. Porter made the following report:

Mr. Speaker:

The judiciary committee, to whom was referred bill of the House No. 72, entitled "A bill relating to Congressional township No. 4 north, of range No. 10 east, in Jefferson county," have had the same under consideration, and are of opinion that this General Assembly has not the power to pass and give efficacy to the provisions of said bill. By the first proposition of the sixth section of the Act of Congress, approved April 19th, 1816, the section numbered sixteen, in every township, is granted by Congress to the inhabitants of said township for the use of schools. Your committee is of the opinion that this Legislature has no power to divert said section sixteen to any other use than that for which it was donated, nor to confine its benefits to any portion of the inhabitants of said township, to the exclusion of other portions, which is the object and effect of the bill. They therefore recommend its indefinite postponement.

Which report was concurred in;

And said bill indefinitely postponed.

Mr. Dunham made the following report:

Mr. Speaker:

The committee on the judiciary, to which was referred the resolution instructing said committee to inquire into the expediency of providing by law for the allowance of interest on open accounts, admitted to be just by an executor or administrator, &c., have had the same under consideration, and have instructed me to report that any legislation on that subject is inexpedient, and the committee ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Harvey made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred a resolution of this House, No. 6, instructing said committee to inquire into

the expediency of so amending the statute on the subject, that the board of commissioners of the several counties shall be composed of one member from each township in the county, to be elected by the legal voters of each township, at their April elections, and to hold his office for one year, and until his successor is elected and qualified; have had the same under consideration, and instructed me to report that it is inexpedient to legislate on that subject, and said committee ask to be discharged from the further consideration of the subject.

Which report was concurred in.
Mr. Julian made the following report:

Mr. Speaker:

The judiciary committee, to whom has been referred resolution of the House No. 30, directing them to inquire and report as to the expediency of making an additional allowance to jurors and witnesses in all actions before justices of the peace, have had the same under consideration, and direct me to report that it is inexpedient to legislate on the subject, and ask to be discharged from the further consideration of the subject.

Which report was concurred in.
Mr. Julian also made the following report:

Mr. Speaker:

The judiciary committee, to whom was referred bill of the House No. 20, for the relief of the heirs of Thomas Berry, deceased, have had the same under consideration and direct me to report, that, in their opinion, it is inexpedient to legislate thereon, and recommend that the same be laid upon the table, and ask to be discharged, &c.

Which report was concurred in;
And said bill laid upon the table.
Mr. Porter made the following report:

Mr. Speaker:

The judiciary committee, to whom was referred bill of the House No. 55, entitled, "A bill to repeal the ninth and eighteenth sections of the first article of chapter thirty-five of the Revised Statutes of 1843," have had the same under consideration, and have directed me to report said bill back to the House and recommend its indefinite postponement.

Which report was concurred in;
And said bill indefinitely postponed.

Mr. Julian made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred resolution of the House, No. 39, directing and inquiry as to the expediency of providing that executors and administrators might give notice of applications to sell real estate, to the heirs, by letter or service of process, themselves; and, also, to inquire into the expediency of so amending the law that upon applications by executors and administrators to sell estates as insolvent, it shall not be necessary to make the heirs parties or give them notice, have had the same under consideration, and direct me to report, that, in their opinion, further legislation on the subject is inexpedient, and ask to be discharged from the further consideration of the subject.

Which report was concurred in.
Mr. Dunham made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred the resolution directing said committee to inquire into the expediency of providing by law for the election of supervisors of roads by the voters of each road district, have had the same under consideration, and have directed me to report the same back and recommend its reference to the committee on roads, and the committee ask to be discharged from the consideration thereof.

Which was concurred in.
Mr. Stanfield made the following report:

MR. SPEAKER:

The committee to which was referred bill of the House, No. 30, have had the same under consideration and instructed me to report that further legislation upon that subject is inexpedient, and recommend that the said bill be indefinitely postponed.

Which report was concurred in;
And said bill indefinitely postponed.
Mr. Dunham made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred bill No. 76. "An act defining the width of roads in the counties of Clinton and Tipton," have had the same under consideration and have

directed me to report it back and recommend its reference to the committee on roads.

Which report was concurred in;
And said bill so referred.
Mr. Julian made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred bill of the House No. 36, authorizing the election of county surveyors for Kosciusko county by the people, have had the same under consideration, and direct me to report the bill back to the House, striking out all after the enacting clause, and inserting the following amendment, which is a new bill; and recommend the passage of the same.

Which amendment was adopted; and,
On motion by Mr. Yaryan,
Said bill was recommitted to the committee on the judiciary, with instructions to "make the provisions of the bill general."
Mr. Sleeth made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a resolution of this House, instructing said committee to inquire into the expediency of so altering the existing laws, as to authorize courts in their discretion to grant or not to grant divorces, solely on the declarations or confessions of the parties, have had that matter under consideration, and have instructed me to report legislation thereon unnecessary, and respectfully ask to be discharged from a further consideration thereof.

Which report was concurred in.
Mr. Stanfield made the following report:

MR. SPEAKER:

The committee to which was referred House bill No. 4, "An act providing for the correction of errors in patents for lands sold by the State," have had the same under consideration, and directed me to report the same back to the House, and recommend its passage.
Said bill was read a second time, and ordered to be engrossed for a third reading.
Mr. Sleeth made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred "A bill explanatory of the act therein named," have had the same under consideration, and have directed me to report, that they have amended said bill, by striking out from the enacting clause, and inserting the following bill, and recommend its passage.

Which amendment was adopted;
And said bill as amended read a second time, and ordered to be engrossed for a third reading.
Mr. Dunham made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred resolution No. 24, instructing said committee to inquire into the expediency of passing a law requiring the proceeds of the practice of all practicing physicians and lawyers to be assessed, so as to show the amount of such practice, and that a tax be assessed on the same, for the support of common schools, have the same under consideration, and have directed me to report that any legislation on that subject is inexpedient, and ask to be discharged from the further consideration thereof.

Which was concurred in.
Mr. Sleeth made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred a resolution of this House, instructing them to inquire into the expediency of changing the existing laws in respect to the jurisdiction of the probate courts of this State, that in all cases in which the circuit and probate courts have concurrent chancery jurisdiction, to confer on the circuit court exclusive jurisdiction in such cases, have had that subject under advisement, and have directed me to report legislation thereon inexpedient.

Which was concurred in.
Mr. Hunt made the following report:

MR. SPEAKER:

The committee on education to whom was referred the petition of Allen Tibbets and others, of Elkhart county, praying the legislature to pass a law allowing a certain school district therein named, to assess and collect a sufficient tax to pay the debts of said district,

have considered the subject, and directed me to report that the committee consider it inexpedient to legislate upon that subject.

Which was concurred in.
Mr. Hunt made the following report:

Mr. Speaker:

The committee on education to whom was referred the petition of S. M. Cutler and others, citizens of Lagrange county, praying for the passage of a law, to legalize the acts of the auditor and school commissioner, in relation to the loaning of the school fund of, and surplus revenue funded in said county, have had that matter under consideration, and direct me to report that in their opinion it is inexpedient to legislate thereon, and ask to be discharged from the further consideration thereof.

Which was concurred in.
Mr. Hunt made the following report:

Mr. Speaker:

The committee on education to whom was referred a bill of the House, for "regulating the district trustees in common schools," have considered the subject and directed me to report that the committee consider it inexpedient to legislate upon that subject, and ask to be discharged from its further consideration.

Said bill was read s second time, and laid upon the table.
Mr. Hunt made the following report:

Mr. Speaker:

The committee on education to whom was referred the petition of B. G. Chamberlain and others, citizens of Elkhart county, praying for a repeal of the existing appraisement and valuation laws, so far as respects the collection of fines and judgments upon forfeited recognizances, have had that matter under consideration, and direct me to report that in their opinion, the subject involves legal questions, which it is not properly their province to act upon, and further, that by resolutions of this House, the same subject has been referred to the committee on the judiciary, to whose consideration it is deemed more appropriately to belong; wherefore they ask to be discharged from its further consideration.

Which report was concurred in.
Mr. Hunt made the following report:

MR. SPEAKER:

The committee on education to whom was referred a bill of the House, (No. 23,) relative to a certain school districts in Hendricks county, have considered the subject, and directed me to report that the committee do not deem it expedient to legislate upon that subject, and ask to be discharged from its further consideration.

Which report was not concurred in, but said bill was read a second time, and ordered to be engrossed for a third reading.

Mr. Cravens made the following report:

MR. SPEAKER:

The committee on the State Bank to which was referred a bill of the House, No. 32, have had the same under consideration, and made one amendment thereto, to-wit, strike out the bill from its enacting clause, and insert the following, which is a new bill:

No. 32. An act to amend an act entitled "An act to prohibit the making, issuing, and circulating small notes or bills, approved January 20th, 1846.

Was read a second time, and laid upon the table.

Mr. Hatfield made the following report:

MR. SPEAKER:

The select committee to which was referred bill No. 100, of this House, have had the same under consideration, and made sundry amendments thereto, and report the bill back to the House, and recommend its passage.

The following are the amendments:

"Insert immediately after Hancock, Kosciusko and Boone counties."

And further insert in last section,

"This act to take effect in the counties of Kosciusko and Boone, on the first day of April, 1848."

"Also in the 44th section, after Hancock, Kosciusko and Boone counties."

Which said amendments were adopted.

The bill as amended, read a second time, and further amended, by inserting the county of "Wabash."

And the bill with the amendments, recommitted to the judiciary committee.

Mr. Harlan, from a select committee, made the following report:

Mr. Speaker:

The select committee to which was referred the petition of Asberry Steele and others, of the county of Grant, praying an increase in the pay of the auditor of the county of Grant, have had that subject under consideration, and directed me to report the following bill, and recommend its passage.

No. 118. An act amendatory to "An act for the relief of Delaware and Grant counties," approved January 13th, 1844.

Was read a first time, and ordered to a second reading.

Mr. Hendricks made the following report:

Mr. Speaker:

The select committee to whom was referred sundry petitions from citizens of Madison, have had the same under consideration, and have instructed me to report a bill in accordance with the prayer of the petitioners, which bill is herewith presented.

No. 119. A bill to amend the act entitled, "an act granting to the citizens of Madison and the town of Lawrenceburgh, a city charter;

Was read a first time and ordered to a second reading.

Mr. Huffstetter made the following report:

Mr. Speaker:

The select committee to which was referred the petition of H. A. Shepard and others, praying the passage of an act to settle and perfect the title to certain lands and town lots therein named, have, according to order, had the same under consideration, and have directed me to report the following bill, and recommend its passage.

No. 120. A bill for the relief of Wiley M. Edmonston and Sarah Ann Edmonston, his wife, late Sarah Ann Parrott;

Was read a first time and ordered to a second reading.

Mr. Cassatt made the following report:

Mr. Speaker:

The select committee to whom was referred the petition of sundry citizens of Wabash county, praying for a law authorizing the sale of school section No. 16, township 27 north, range 6 east, have had the same under consideration, and have directed me to report the following bill, and recommend its passage.

No. 121. A bill authorizing the sale of section 16, in township No. 27 north, range 7 east;

Was read a first time and ordered to a second reading.

The Speaker laid before the House the following report of the trustees of the asylum for the blind.

INDIANAPOLIS, FRIDAY, *December* 18.

Hon. R. N. CARNAN,

Speaker of the House of Representatives:

The trustees for the education of the blind have procured a visit of a teacher and three blind pupils from Columbus, Ohio, for an exhibition before the General Assembly; and for that purpose, request the use of the Hall of the House of Representatives this evening, (Friday.)

As it is intended to have a second exhibition on Saturday evening before the public and citizens, it is desired that the Hall be appropriated this evening *exclusively* to the use of the members of the General Assembly, and their friends visiting this place, introduced by them, with the officers of State, and trustees of the benevolent and literary institutions of the State.

The use of the Hall is requested also for an exhibition to the public on Saturday evening.

By order of the trustees,

JAMES M. RAY, *Secretary.*

On motion by Mr. Watts,

Resolved, That the use of the Hall of this House be appropriated this evening and to-morrow evening for exhibitions of the blind; that this evening it be exclusively reserved for the use of the members and officers of the General Assembly, and strangers invited by them, the officers of State, and trustees of the benevolent and literary institutions of the State, and to-morrow evening, this Hall be appropriated to the citizens and public.

On motion by Mr. Thompson,

Resolved, That the judiciary committee be instructed to inquire into the expediency of giving any defendant, when sued by any practicing physician, the right to plead that the physician was an habitual drunkard, or was drunk at the time the services were rendered, or that the physician was incompetent to practice medicine, and on proof of either of the above pleas in the opinion of the judges, jury, or justice of the peace trying the same, it shall be good cause of defence.

On motion by Mr. Green,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of so amending the estray law, as to make some disposition of the increase of stock, and report by bill or otherwise.

On motion by Mr. Hostetter,

Resolved, That the committee on military affairs be, and they are hereby instructed, in revising, amending, and altering the act entitled, "an act to organize and regulate the militia of the State of Indiana, approved January 10, 1831," to so provide in said revision, that it shall be the duty of every white male person over the age of eighteen and under forty-five years of age, to perform military duty.

Mr. Julian offered the following:

Resolved, That the judiciary committee be instructed to report a bill amending the laws on the subject of the assessment of personal property for taxation, so as to make it the *imperative* duty of county assessors to require tax payers to give in for assessment, moneys at interest and cash on hand, under oath or affirmation, and that they report by bill.

Mr. Thompson moved to strike out "moneys at interest within this State:"

Which motion prevailed.

Mr. Miller moved to reconsider the vote taken on the adoption of the above;

Which motion prevailed.

The question being on the adoption of the amendment of Mr. Thompson,

Mr. Fuller moved to strike out "cash in hand;"

Which motion did not prevail.

Mr. Miller moved to strike out "expediency," and insert "imperative;"

Which motion prevailed.

And the resolution, as amended, was adopted.

Mr. Holman offered the following:

Resolved, That the committee on ways and means be instructed to inquire into the expediency of so amending the laws in regard to assessment of real estate, as that the value of the improvements in each county shall be made separate from the value of the lands, lots, &c. without improvement; and the tax on the improvements equally distributed over the real estate of the county according to the actual value as assessed, without reference to the actual improvements on any one particular tract, viz: that the tax on the improvements of each county be distributed over the whole real estate of the county according to the assessed value as unimproved.

Which was laid upon the table.

Mr. Dole offered the following:

Resolved, That the committee on education be instructed to inquire into the expediency of authorizing the county commissioners of the different counties of this State to levy a tax sufficient to pay the expenses of one quarter's school in each school district in this State, to be levied and collected for such purpose as other taxes are levied and collected.

Which was not adopted.

On motion by Mr. Green,

Resolved, That the committee on the judiciary be requested to inquire into the expediency of providing a law, to be general in its character, regulating the fees and salaries of county officers so as to make them more uniform, reducing them, where it may be politic, on the principle of retrenchment and reform, with leave to report by bill or otherwise.

The Speaker laid before the House the report of the trustees of the deaf and dumb asylum.

Which was laid upon the table, and one thousand copies ordered to be printed.

On motion by Mr. Shields,

Resolved, That the standing committee on education be instructed to inquire into the expediency of providing by law for the distribution of the school fund, of every kind and description in each county, among the several congressional townships in said county respectively, and to report by bill or otherwise.

On motion by Mr. Nofsinger,

Resolved, That the judiciary committee be instructed to inquire whether the Legislature has the constitutional power to pass a law or laws fixing the rate of interest on the private property and moneys of individuals, and if the Legislature has no such power, to report a bill, if they deem it expedient to do so, repealing all such laws, and make it a matter of contract between individuals, fixing their own rates of interest.

On motion by Mr. Decker,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the nineteenth section of the twenty-first chapter of the Revised Statutes as to prevent all takers-up of estrays to make charges for the keeping thereof, if such strays are used or worked, and report thereon by bill or otherwise.

On motion by Mr. Moore,

Resolved, That the committee on the judiciary be requested to inquire into the expediency of providing by law for the punishment of the crime of *seduction* by imprisonment in the *penitentiary*, and report by bill or otherwise.

BILLS INTRODUCED.

By Mr. Stanfield:

No. 122. An act authorizing the State Bank of Indiana to lay off, plat, and record in out lots, certain lands adjoining and lying near the town of South Bend, in St. Joseph county.

By Mr. Dobson:

No. 123. An act to repeal the third section of an act, entitled "An act to provide for the re-appraisement of real estate heretofore appraised and subject to taxation."

By Mr. Harlan:

No. 124. An act relative to the probate court of Henry county.

By Mr. Stanfield:

No. 125. An act to repeal the fourth section of an act, approved December 14th, 1843, entitled "An act to reduce the salaries of the Governor of State and other officers, and for other purposes."

By Mr. Thomas:

No. 126. An act to amend section fifteen of chapter fifty-five, article eight, of the Revised Statutes of 1843.

By Mr. Stanfield:

No. 127. An act to extend the writ of garnishee in certain cases.

By Mr. Porter:

No. 128. A bill to regulate the mode of doing county business in the county of Harrison.

By Mr. Palmer:

No. 129. A bill declaring a certain act therein named to be in force.

By Mr. Clark:

No. 130. An act to legalize the acts of the probate judge of Lagrange county.

By Mr. Harding:

No. 131. An act authorizing the Secretary of State to make a deed in certain cases.

Which were each read a first time and ordered to a second reading on to-morrow.

Mr. Cravens, on leave given, introduced the following resolution:

Resolved, That one hundred copies of the third annual report of the trustees of the Indiana asylum for the education of the deaf and dumb be printed for the use of the board of trustees and teachers in said asylum.

Which was adopted.

On motion by Mr. Wise,

Mr. Allen Hill was excused attendance at present in the House, on account of sickness in his family.

On motion by Mr. Yaryan,

The House adjourned until 2 o'clock, P. M.

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2 *o'clock, P. M.*

House met.

The Speaker laid before the House the following communication from the State Printer, in answer to a resolution of this House.

Which was laid upon the table.

HON. R. N. CARNAN,
Speaker of the House of Representatives:

In reply to a resolution of the House, "That the public printer be and he is hereby requested to report to this House at the earliest period, whether or not in his opinion, the amount now allowed by law for the public printing is or is not more than a reasonable and just compensation for said services, and if so, what particular reduction may be made," the undersigned would respectfully refer to his reply to a similar resolution of the Senate, that in his opinion the prices for the public printing as now fixed by law are not higher than they ought to be to justify any competent person to undertake the work.

Among the reasons for this conclusion, he would respectfully suggest the following:

First: That the prices are a fraction *less* than those generally charged by the Printing Houses in the eastern cities for ordinary Book Printing.

Second: That in proportion to the amount of work done, the State Printer, owing to the peculiarity of the work, is compelled to invest a much larger sum in *material* than would otherwise be necessary.

Third: The conditions and requirements of the contract. Ten thousand dollars bonds are given by the present printer for the faithful execution of his work. He is bound by law to complete the printing of each session within sixty days from the time of its adjournment. When this condition was imposed, it was fixed in contemplation of the fact that the session had usually lasted three months or thereabouts. Since that time, and during the whole term of the present printer, the sessions have been curtailed to a period of about seven weeks. His "days of grace" consequently have been cut short nearly six weeks, though the amount of printing has been but little if any diminished. It must be apparent to all gentlemen of reflection, and to practical printers especially, that the only alternative for the public printer was to make a greater outlay for *material* in order to the employment of a greater number of workmen than would have been required under longer sessions; and to keep workmen employed during the night as well as the day-time, at an extra expense. The undersigned does not think it likely that the State Printer will very soon be relieved of the burthens thus imposed, by the recurrence of long sessions instead of short ones.

Fourth: So far as the undersigned has been able to learn, the prices allowed for the public printing in Indiana, are as low, and in most cases lower, than those by any other State; and not much more than *one third* the price paid for Congress printing under the act of 1819. But little of our printing comes under the category of what is technically denominated "*fat.*" But few bills are printed, which is one of the most profitable kinds.

It will be conceded that the "laborer is worthy of his hire." And the undersigned most respectfully suggests, that the true mode of making laborers faithful and honest is to provide for them a fair remuneration. To borrow the idea of a late distinguished member of the senatorial body—"if public officers are not paid a fair and reasonable salary, *they will steal it*." Whether this be entirely true or not, it would seem to be the part of wisdom, not to "lead men into such temptation."

The prices now allowed for the public printing in this State are much less than those allowed at former periods. The difference is as 65 to 45 for the same work. Yet it is a fact, which tells very strongly of the risks of the business, or the improvidence of those who performed the work, that even under the highest prices and most favorable conditions, every man, with perhaps a single exception, who has done the public printing of the State of Indiana since its existence, *was poorer when he ended than when he began the work;* and one of them at least, only obtained relief from the liabilities which he incurred while he was the State Printer, by the sponging process of the Bankrupt act of 1840.

The undersigned regrets that he is thus compelled in duty to your honorable body, thus to speak of a subject in which it may be supposed his opinion will be liable to be influenced by self-interest. He has endeavored to divest himself of any such bias; and has written this reply in full view of the great probability that his present contract with the State for the execution of the printing, is not likely to be immediately renewed.

Respectfully submitted,

J. P. CHAPMAN,
Printer to the State.

Mr. Yaryan offered the following:

Resolved, That the common council of the city of Indianapolis, by their ordinance entitled "An amendment to chapter 9, of the ordinance on the subject of nuisances," approved December 12, 1846, have offered a reflection and an insult to the visiters of the city; and that it is so regarded by this House.

Resolved further, That this House regards the passage of said ordinance by the council, at the time and under the circumstances, as an attempt on their part to monopolize the business referred to in the ordinance.

Which was unanimously adopted.

The following are the amendments above referred to:

An amendment to chapter 9, of the ordinances on the subject of nuisances.

Section 1. Every person who shall visit any house of ill-fame or prostitution within the corporation limits of the town of Indianapolis, *unless for lawful* purposes, shall forfeit and pay to the common council of Indianapolis, for the use of the town of Indianapolis, ten dollars, to be recovered in an action of debt before the president of said council.

Sec. 2. To maintain said action it shall be sufficient for the council to show that the defendant visited such house of ill-fame or prostitution as aforesaid, unless such defendant shall prove to the satisfaction of the court that such visit was *exclusively* for lawful purposes.

Sec. 3. This amendment to be in force from and after its publication in the Journal and Sentinel.

Read, ordained and established this 12th day of December, 1846.

Attest, JOSEPH A. LEVY, *President.*

James G. Jordan, *Secretary.*

BILLS INTRODUCED.

By Mr. Palmer:

No. 132. A joint resolution in relation to pre-emptions on the Miami national reservation, in the State of Indiana.

By Mr. Moore:

No. 133. An act providing for the better payment of mortgages due the trust funds of this State.

By Mr. Neal:

No. 134. An act for the relief of certain persons therein named.

By Mr. Palmer:

No. 135. An act authorizing the collection of certain taxes therein named.

By Mr. Colms:

No. 136. An act exempting improvements from taxation for county purposes, in the county of Kosciusko.

Which were each read a first time and ordered to a second reading.

ORDERS OF THE DAY.

Senate Bills on Third Reading.

No. 4. A bill to revive an act to locate a State road from Point Commerce, in Greene county, to the feeder dam on Eel river in Clay county, approved January 20, 1846.

No. 6. A bill to change the time of holding the circuit courts in the county of Wells, and other for purposes;

No. 7. An act relating to the office of auditor of Union county;

Which were each read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

House Bills on Third Reading.

No. 51. An act repealing certain acts in relation to the county of Posey.

No. 77. An act to change the name of James Morris Smith to that of James Morris Vestal.

No. 78. An act to amend an act entitled "An act to extend the term of the board doing county business in the county of Tippecanoe, approved January 14, 1846.

No. 80. An act for the benefit of Parke county seminary;

No. 82. An act to repeal an act therein named, so far as the county of Shelby is concerned;

No. 84. An act to reduce the price of the Revised Statutes of 1843;

No. 92. An act to amend the first section of an act entitled "An act prescribing the mode of selecting petit jurors in Sullivan county," approved January 6, 1846;

No. 101. An act to secure to Ohio county a share of the common school and surplus revenue funds, and for other purposes;

No. 107. An act to change the name of Francis Anthony Fisher and Minerva Ridge to the names of Francis Anthony Greenwood and Minerva Greenwood;

Which were each read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 88. An act fixing the salary of the auditor of Miami county.

Which was read a third time and laid on the table.

Senate bill No. 24. A bill providing for the payment of damages assessed, or to be assessed, for private property, taken for public use, in the construction of the Wabash and Erie Canal.

Which was read a second time and referred to the committee on canals and internal improvements.

The following message was received from the Senate by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate have adopted the following resolution:

Resolved, That the Senate will, the House of Representatives concurring therein, proceed on Tuesday next, at half past two o'clock, P. M., to the election of a bank director to fill the vacancy occasioned by the expiration of the term of service of the Hon. William Dailey.

In which the concurrence of the House is respectfully requested.

Mr. Meredith moved to lay the resolution on the table;

Which motion did not prevail.

Said resolution was then reciprocated by the House.

Ordered, That the clerk inform the Senate thereof.

The following message was received from His Excellency the Governor by Mr. Hanna, his private secretary.

Mr. Speaker:

I am directed by His Excellency the Governor, to inform the House of Representatives that he has this day approved and signed the following bills, to-wit:

No. 2. An act to authorize the judges of the Lawrence circuit and probate courts to devise new seals for their respective courts.

No. 16. An act to legalize the acts and proceedings of the board of commissioners of the county of Grant.

Both of which originated in the House of Representatives.

December 18*th*, 1846.

House Bills on Second Reading.

No. 96. An act for the improvement of the breed of horses and mules, in the county of Blackford.

No. 102. An act forming all that portion of township one, north of range ten west, which lies south of White river in Gibson county, into a congressional township for school purposes.

No. 114. An act to change the name of Ellen Loudenburger to that of Ellen Lomax.

No. 115. An act to locate a State road in the counties of Grant and Richardville.

Which were each read a second time and ordered to be engrossed for a third reading.

No. 103. An act to repeal an act, entitled "An act for the protection of wild fruit growing on the public lands in the counties of Lake, Porter, Laporte, St. Joseph, Marshall, Fulton, and Kosciusko, approved January 13, 1844.

Which was read a second time and amended by inserting the county of "*Pulaski*," and striking out the county of "*St. Joseph*," and the bill as amended ordered for a third reading.

No. 105. A bill to enable defendants in criminal cases to take depositions.

Which was read a second time and referred to the committee on the judiciary.

No. 109. A bill defining the duties of county treasurers.

Which was read a second time and referred to the committee on ways and means.

No. 110. A bill to change the time of holding courts in the seventh judicial circuit, and for other purposes.

Which was read a second time and referred to a select committee of Messrs. Secrest, Edwards, Nofsinger, Dole, Wolfe, and Lewis.

No. 111. An act to vacate certain alleys in the town of Bloomington.

Which was read a second time and amended as follows:

"That the street and alley between out-lots in the north part of

Bloomington, numbers thirty, thirty-one, thirty-two, and thirty-three be, and the same are, hereby vacated."

And the bill as amended ordered to be engrossed for a third reading.

No. 113. A joint resolution on the subject of school section number sixteen, township seventeen, range six east.

Which was read a second time and laid on the table.

No. 117. A bill to regulate the granting of license and permits to traveling merchants and pedlars.

Which was read a second time and referred to the committee of ways and means.

The following message was received from the Senate by Mr. Jones, their secretary.

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof, to-wit:

No. 13. An act to repeal certain special laws in force in the eleventh judicial circuit.

No. 19. An act to incorporate Anderson's Collegiate Institute.

No. 35. An act to provide for the election of township assessors in certain counties therein named and defining their duties.

In which the concurrence of the House is respectfully requested.

Said bills were each read a first time and ordered to a second reading.

The Senate have also passed the following engrossed bills of the House without amendment.

No. 8. An act to incorporate the Decatur County Medical Society.

No. 14. An act to legalize the publication of the lands returned and remaining delinquent, and sales thereof, for taxes due thereon in the county of Shelby, for the years 1844 and 1845.

No. 46. An act to repeal the act, entitled "An act to amend the fourth article of the sixteenth chapter of the Revised Statutes of 1843, so far as the same relates to the counties of Washington and Jackson," approved January 5, 1844, so far as the same relates to the said county of Jackson.

No. 87. An act to provide for a settlement with the superintendent of the State Prison.

Mr. Palmer made the following report:

Mr. Speaker:

The select committee to whom was referred bill No. 91, fixing the time of holding courts in the eighth judicial circuit, have had the

same under consideration, and directed me to report the same back with an amendment, striking out the original bill from the enacting clause, and inserting in lieu thereof, the following:

Which is a new bill.

Which amendment was adopted, and said bill, as amended, read a second time and ordered to be engrossed for a third reading.

On motion by Mr. Palmer,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of extending the provisions of the 6th clause of section 165, chapter 12, on page 236 of the Revised Code of 1843, to persons carrying on or exercising the business of buying and selling canal land scrip.

On motion by Mr. Cassatt,

No. 113. A joint resolution on the subject of school section No. 16, township 17, range 6, east,

Was taken from the table and amended as follows:

"*Provided*, That the location of said land in the Miami Reserve shall not interfere with the existing claim of any preemption in said reserve."

And the joint resolution, as amended, ordered to be engrossed for a third reading.

On motion by Mr. Cravens,

Resolved, That the use of this Hall be allowed to the Rev. Wm. M. Dailey, for divine services, on Sabbath next, at 11 o'clock, A. M.

The following message was received from the Senate, by Mr. Lowe, their assistant secretary:

Mr. Speaker:

I am instructed by the Senate to inform the House that the Senate have adopted the following resolution:

Whereas, the Hon. Samuel Bigger, late Governor of the State of Indiana, has departed this life since the last session of the General Assembly, therefore,

Resolved unanimously, That the Senate entertain the most profound regret for this melancholy event, and that they will cherish the memory of his useful and patriotic career, as a public servant, and of his amiable and generous private life.

Resolved unanimously, That the Senate tender the assurance of their warmest sympathies to the family of said deceased in the deeply afflicting loss they have sustained.

Resolved unanimously, That the secretary notify the House of Representatives of the adoption of these resolutions, and that the President of the Senate be requested to cause an attested copy thereof to be transmitted to the family of the deceased.

Resolved unanimously, That the Senate, in token of their respect

for the memory of the Hon. Samuel Bigger, deceased, do now adjourn.

In which the concurrence of the House is requested.

Which was reciprocated, and

The House adjourned until to-morrow morning, 9 o'clock.

SATURDAY MORNING, December 19th, 1846.

The House met pursuant to adjournment.

On motion by Mr. Hanna,

Mr. Smiley was excused attendance on the House for the present.

PETITIONS, MEMORIALS, &C., PRESENTED.

The petition of Mr. Carr of Lawrence, presented on yesterday, was taken from the table and referred to a select committee of Messrs. Carr of Lawrence, Huffstetter, and Dobson.

By Mr. Hunt, the petition of J. H. Hendricks, asking for relief:

Which was laid upon the table.

Mr. Stanfield made the following report:

Mr. Speaker:

The committee on the judiciary, to which was referred a resolution instructing the committee to inquire into the expediency of repealing the third section of "an act to require the bank to continue specie payments, and to enable it to maintain them," approved February 13th, 1843, have had the same under consideration, and directed me to report that they deem further legislation upon that subject inexpedient.

Which report was concurred in.

Mr. Harvey made the following report:

Mr. Speaker:

The committee on the judiciary, to which was referred bill of the House No. 79, entitled "an act to amend an act entitled an act to modify the thirteenth section, chapter sixteen, of the Revised Sta-

tutes," approved January the 19th, 1846," have had the same under consideration, and directed me to report the same back without amendment, and recommend its passage; and said committee ask to be discharged from further consideration thereof.

Which report was concurred in;

And said bill read a second time and ordered to be engrossed for a third reading.

Mr. Sleeth made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred bill No. 67, of the House, entitled "a bill defining the duties of clerks of the probate courts," have considered the same, and directed me to report that, in their opinion, legislation thereon is inexpedient; and respectfully ask to be discharged from further considering the same.

Said bill was read a second time and laid upon the table.

Mr. Julian made the following report:

Mr. Speaker:

The judiciary committee, to whom was referred bill of the House No. 112, entitled "an act to amend the existing laws in relation to the duty of executors and administrators in certain cases," have had the same under consideration, and instruct me report that, in their opinion, further legislation on that subject is inexpedient, and recommend that the bill be laid on the table; and the committee ask to be discharged, &c.

Said bill was read a second time, and,

On motion by Mr. Dunham,

The same was indefinitely postponed.

Mr. Dunham made the following report:

Mr. Speaker:

The committee on the judiciary, to which was referred a bill No. 90, in relation to the service of subpœnas in chancery, have had the same under consideration, and have instructed me to report said bill back, without amendment, and recommend its passage; and said committee ask to be discharged from the further consideration of the subject.

Said bill was read a second time and ordered to be engrossed for a third reading.

Mr. Porter made the following report:

Mr. Speaker:

The judiciary committee to whom was referred bill of the House No. 108, entitled, "an act in relation to proof of notice by publication," have had the same under consideration, and have directed me to report the same back to the House without amendment, and recommend its passage.

Said bill was read a second time and ordered to be engrossed for a third reading.

Mr. Julian made the following report:

Mr. Speaker:

The judiciary committee to whom was referred resolution of the House, No. 33, directing an inquiry into the expediency of so amending the several laws in existence relative to the fees of the several State and county officers, as to have the same published with the laws of 1847, have had the same under consideration, and direct me to report, that in their opinion, legislation on that subject is inexpedient, and ask to be discharged, &c.

Which report was concurred in.

Mr. Porter made the following report:

Mr. Speaker:

The judiciary committee to whom was referred a resolution of the House directing said committee to inquire into the expediency of amending the law in relation to recorders' fees, so that their fees shall be ten cents on each one one hundred words contained in every instrument in writing which the law makes it necessary to record, have had said resolution under consideration, and have directed me to report, that in their opinion, the fees of recorders' are not higher now than is necessary to pay them a fair remuneration for their labor, and that the inequality of the amounts paid by the several persons having instruments of writing recorded is not so great as to require further legislation thereon. They therefore ask to be discharged from the further consideration of the subject matter of said resolution.

Which was concurred in.

Mr. Harvey made the following report:

Mr. Speaker:

The committee on the judiciary to which was referred bill of the House No. 83, entitled, "a bill to extend the jurisdiction of justices

of the peace," have had the same under consideration, and instructed me to report the same back to the House, and recommend that said bill be laid on the table, and said committee ask to be discharged from the further consideration of the subject.

Which report was concurred in and said bill laid upon the table.

Mr. Sleeth made the following report;

Mr. Speaker:

The committee on the judiciary to whom was referred House bill No. 85, repealing the 264th section of chapter 13, article 16, of the Revised Statutes of 1843, relating to water power, &c. on canals, have directed me to report the same back to the House and respectfully recommend its reference to the committee on canals and internal improvements.

Which report was concurred in and said bill so referred.

Mr. Dunham made the following report:

Mr. Speaker:

The committee on the judiciary to whom was referred a resolution instructing said committee to inquire if any further legislation is necessary to authorize the clerks of probate courts to administer oaths in vacation, &c., have had the same under consideration, and have directed me to report the accompanying bill and recommend its passage, and said committee ask to be discharged from the further consideration of the matter.

No. 137. An act to authorize clerks of circuit courts to administer oaths in certain cases;

Was read a first time and ordered to a second reading.

Mr. Meredith made the following report:

Mr. Speaker:

The committee on roads to whom was referred House bill No. 75, have had the same under consideration, and directed me to report the bill back to the House and recommend its passage, and the committee asks to be discharged from the subject.

No. 75. An act entitled, "an act declaring a part of Salt Creek a public highway," approved February 13, 1840;

Was read a second time and ordered to be engrossed for a third reading.

Mr. Meredith made the following report:

Mr. Speaker:

The committee on roads to whom was referred House bill No. 104, have had the same under consideration, and directed me to report that is inexpedient to legislate on the subject, and recommend its indefinite postponement, and ask to be discharged from the subject.

Which report was concurred in and said bill indefinitely postponed.

Mr. Meredith made the following report:

Mr. Speaker:

The committee on roads to whom was referred House bill No. 62, have had the same under consideration, and directed me to report the bill back to the House and recommend its passage, and the committee ask to be discharged from the subject.

No. 62. An act to amend an act entitled, "an act to compel speculators to pay a road tax equal to that paid by actual settlers," approved January 31st, 1842;

Was read a second time and ordered to be engrossed for a third reading.

Mr. Meredith made the following report:

Mr. Speaker:

The committee on roads to whom was referred House bill No. 61, have had the same under consideration, and directed me to report the same back to the House and recommend its passage, and the committee asks to be discharged.

No. 61. An act to extend the time of receiving work on road tax in the counties therein named;

Was read a second time and ordered to be engrossed for a third reading.

Mr. Meredith made the following report:

Mr. Speaker:

The committee on roads, to whom was referred a resolution of the House No. 17, directing an inquiry into the expediency of so amending the road law, as to require every able bodied person to perform four days labor on roads, have had the same under consideration, and directed me to report that it is inexpedient to legislate on the subject, and the committee ask to be discharged.

Which report was not concurred in;

But said resolution recommitted to a select committee of Messrs. Thompson, Summers, and Hatfield.

Mr. Meredith made the following report:

Mr. Speaker:

The committee on roads, to whom was referred a resolution of the House No. 31, directing an inquiry into the expediency of amending the road laws, so as to permit the owners of land through which roads may be located, to give up at their option such suitable timber to be had within reasonable distance of such road, as may be required, &c., have had the same under consideration, and directed me to report that it is inexpedient to legislate on the subject, and ask to be discharged.

Which report was concurred in.

Mr. Meredith made the following report:

Mr. Speaker:

The committee on roads, to whom was referred the petition of John Simpson and others, from Gibson county, praying an appropriation of public money for the purpose of making a road in said county, have had the same under consideration, and direct me to report that in their opinion it is inexpedient to legislate thereon, and the committee ask to be discharged from the further consideration of the subject.

Said petition was recommitted to a select committee of Messrs. Miller, Fuller, Wise, and Battell.

Mr. Griffis made the following report:

Mr. Speaker:

The select committee to whom was referred a petition of sundry citizens of Randolph and Wayne counties, praying for the location of a State road from Winchester in Randolph county, to Hagerstown in Wayne county, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 138. An act to locate a State road in Randolph and Wayne counties.

Was read a first time, and ordered to a second reading.

Mr. Tait made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared the enrolled with the engrossed bill No. 87, entitled "An act to provide for a settlement with the superintendent of the State Prison," and find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry the same to the Senate, for the signature of their President.

On motion by Mr. Carr of Lawrence,

Resolved, That the committee on canals and internal improvements, be instructed to inquire into the expediency of providing by law for sale of the stock held by the State, in the Madison and Indianapolis rail road, and the White Water canal; with leave to report by bill or otherwise.

On motion by Mr. Green,

Resolved, That the judiciary committee be requested to inquire into the policy of providing a law authorizing aggrieved parties to sue the agent of a corporation without the State; to report by bill or otherwise.

On motion by Mr. Porter,

Resolved, That when this House next adjourns, it will adjourn until Monday morning next, at 9 o'clock.

On motion by Mr. Colms,

Resolved, That the committee on ways and means be instructed to levy a tax in the revenue bill for 1847, of one cent on the one hundred dollars of taxable property, for the education of the blind of this State. Also, an additional half cent for the use of the deaf mute institution of this State.

On motion by Mr. Parks,

Resolved, That the committee on education be instructed to inquire into the expediency of amending the school law, so as to make purchasers of school lands, in case of forfeiture for non-payment, liable for damages done to said lands, by destroying or removing timber, stone, or other valuable material.

On motion by Mr. Dole,

Resolved, That the superintendent of the Wabash and Erie Canal be requested to report to this House the amount of unpaid liquidated damages for private property taken for public use in the construction of said canal. Also what amount of claims yet remain to be adjusted, so far as he has been able to ascertain the same; and also whether the damages heretofore assessed have been so assessed with a view to their payment in canal scrip or in par funds.

On motion by Mr. Lewis,

Resolved, That the committee on roads be instructed to inquire into the necessity of protecting further by law the materials collected for the completion of the National Road.

Mr. Powell moved to reconsider the vote on the indefinite postponement of bill

No. 112. An act to amend the existing laws in relation to the duty of executors and administrators in certain cases.

Which motion prevailed.

Said bill was then read a second time and referred to a select committee of Messrs. Yaryan, Wolfe, and Dunham.

BILLS INTRODUCED.

By Mr. Johnson:

No. 139. A bill to establish a State road in the county of Dearborn.

By Mr. Yaryan:

No. 140. An act relative to docket fees in the supreme court.

By Mr. Secrest:

No. 141. An act in relation to roads and highways in Putnam county.

By Mr. Wolfe:

No. 142. An act to amend the ninety-first section of the third article of chapter sixteen, and the eighty-seventh and eighty-eighth sections of the same article and chapter of the Revised Statutes of 1843, in reference to the duties of supervisors of roads.

By Mr. Arnold:

No. 143. A bill for the improvement of highways in Bartholomew county.

Which were each read the first time and ordered to a second reading on to-morrow.

Mr. Dowling moved to take from the table

Bill No. 132. An act to amend an act, entitled "An act to prohibit the making, issuing, and circulating small notes or bills," approved January 20, 1846.

Which motion prevailed.

And said bill was read a second time and referred to the judiciary committee.

ORDERS OF THE DAY.

House Bills on Third Reading.

No. 4. An act providing for the correction of errors in patents for lands sold by the State.

No. 10. An act explanatory of the act therein named.

No. 23. An act relative to a certain school district in Hendricks county.

No. 53. An act to amend section one hundred and twenty-eight, chapter thirty-five, of Revised Statutes of 1843.

Were each read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 96. An act for the improvement of the breed of horses and mules in the county of Blackford.

Was read, and

On motion,

Recommitted to the committee on the judiciary, "with instructions so to modify the punishment to be inflicted by said bill as to conform to the provisions of the constitution of the State."

No. 91. An act to fix the time of holding courts in the eighth judicial circuit.

Was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Palmer moved to take from the table the following message from the Senate.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof:

No. 22. An act to amend an act, entitled "An act for the relief of purchasers of canal lands," approved January 19, 1846.

In which the concurrence of the House is respectfully requested.

Which motion prevailed.

Said bill was then read a first and second times—the rules being suspended—when

Mr. Thompson moved to strike out that part which relates to the publication in the "Sentinel" and "Journal."

Which motion prevailed.

Mr. Dole offered the following amendment:

"Strike out two years wherever it occurs in section seven, and insert one year."

Which was not adopted.

Mr. Palmer moved to insert in the sixth section, after the word "due" "or within sixty days thereafter."

Which motion prevailed.

Mr. Kerr moved to strike out the tenth section.

Mr. Colms moved to lay the motion on the table.

Which did not prevail.

The question then being,

"Shall the tenth section of the bill be stricken out?"

Messrs. Colms and Cassatt demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Arnold, Carr of Lawrence, Carnahan, Cravens, Deam, Dobson, Dole, Dowling, Dunham, Edwards, Green, Hall of Posey, Hamilton, Hendricks, Hicks, Holland, Huddleston, Huff, Huffstetter,

Hull, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Lutz, Mason, May, Miller, Monk, Nofsinger, Norton, Osborn, Scott, Secrest, Shields, Tackett, Tait, Thomas, Walker, Watts, Wiley, Wise, Wolfe, and Mr. Speaker—45.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Brown, Balding, Carr of Clark, Cassatt, Clark, Colms, Decker, Ferguson, Fry, Fuller, Gilleece, Gordon, Griffis, Hall of Warren, Hanna, Harding, Harlan, Harvey, Hatfield, Holman, Hostetter, Hunt, Jenison, Jones of Blackford, Julian, McCormack, Meredith, Moore, Neal, Noel, Palmer, Parker, Parks, Porter, Powell, Sleeth, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tebbs, Thompson, Trimble, Wilson, Woodruff, and Young—49.

So said section was not stricken out.

On motion by Mr. Powell,

The House adjourned until Monday morning 9 o'clock.

MONDAY MORNING, December 21, 1846.

The House met pursuant to adjournment.

On motion by Mr. Wise,

A call of the House was had;

And after some time spent therein,

On motion by Mr. Lemmonds,

The further call was suspended.

The petition presented by Mr. Hanna on last Saturday relative to the organization of a new county, was taken from the table and referred to a select committee of Messrs. Hanna, Suit, and McCormack

The petition presented by Mr. Hamilton, praying the repeal of the black laws was taken from the table, and referred to the committee on scientific and benevolent institutions.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Dowling, a petition of the Delphi Storage and Forwarding Company, praying that the side cut constructed by said company may be declared part of the Wabash and Erie Canal;

Which was referred, the rules being suspended therefor, to the committee on canals and internal improvements.

By Mr. Huffstetter, the petition of John Baker and others, praying relief for purchasers of saline lands in Orange county;

Which was referred to a select committee composed of Messrs. Huffstetter, Carr of Lawrence, Porter, and Monk.

By Mr. Hatfield, a petition from sundry German citizens on the subject of establishing German schools;

Which was referred to the committee on education.

By Mr. Griffis, a petition from sundry citizens of Randolph county in regard to the allowance of the auditor of said county;

Which was referred to the committee on ways and means.

By Mr. Hall of Warren, the petition of E. F. Lucas praying relief, &c.;

Which was referred to a select committee of Messrs. Hall of Warren, Palmer, Parker, Stanfield, and Secrest.

By Mr. McCormack, the petition of Michael McCall, praying relief;

Which was referred to the judiciary committee.

By Mr. Dunham, the petition of sundry citizens on the subject of a State road leading from Salem to Bedford;

Which was referred to the committee on roads.

By Mr. Dole, the petition of Zachariah D. Jones and others, in relation to the passage of laws for the protection of religious assemblies;

Which was referred to the committee on the judiciary.

By Mr. Wilson, a petition praying for a law authorizing Jonathan W. Elliott to use certain water privileges;

Which was referred to a select committee of Messrs. Wilson, Wolfe, and Sleeth.

By Mr. Parker, the memorial of certain citizens of Allen county, relative to the preferring articles of impeachment against the Hon. George Johnson, probate judge of said county;

Which was referred to the judiciary committee.

By Mr. Thompson, the petition of E. Browning and others, on the subject of repealing the city charter of the city of Indianapolis;

Which was referred to a select committee of Messrs. Fuller, Noel, Thompson, Yaryan, and Wolfe.

Mr. Thompson gave notice, that on to-morrow he would move to change the 37th rule of this House so that it should read as follows:

"Petitions, memorials, and other papers addressed to the House may be presented by the Speaker, or by any member, and shall not be debated unless by the consent of the majority of the House, but forthwith referred."

Mr. Secrest also gave notice, that on to-morrow he would move to so change the latter clause of the 21st rule of this House as it should read as follows:

"A motion to strike out and insert shall be deemed "divisible," in the place of "*in*divisible."

Mr. Secrest made the following report:

MR. SPEAKER:

The committee of ways and means to whom was referred resolution of the House No. 44, have directed me, inasmuch as a legal question seems to be involved in said resolution, to report the said resolution back to the House, and recommend that it be referred to the committee on the judiciary.

Which was concurred in.

Mr. Stanfield made the following report:

MR. SPEAKER:

The committee on the judiciary to which was referred sundry resolutions instructing said committee to inquire into the expediency of modifying the execution laws now in force for the collection of debts, have had the same under consideration, and have directed me to report a bill herewith presented, and recommend its passage.

No. 144. A bill to amend the execution laws.

Was read a first time and ordered to a second reading on to-morrow.

Mr. Dunham made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred a resolution instructing said committee to inquire into the expediency of providing by law for the election of a prosecuting attorney for each county, have had the same under consideration, and have instructed me to report, that in the opinion of said committee, legislation on that subject would be inexpedient, and they ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Julian made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred petition No. 16, from Daniel Mace and others, praying the appointment of a reporter to the Supreme Court, have had the same under consideration, and direct me to report that the Hon. Isaac Blackford, who has been for

the last sixteen years, reporter of the decisions of that court, has discharged that duty with great ability, and with much satisfaction to the public in every respect, except as to the tardiness with which the reports have been published.

Under these circumstances, the committee thought proper to call on the said Blackford for the purpose of ascertaining from him whether, in *his* opinion, he could and would prepare and publish in future, the decisions of the court, with such despatch, as in the opinion of the committee, the public interest requires; and the committee are authorized by him to say to the House "that he would complete the seventh volume of his reports by the May term, 1847, of the court, in which volume will be included all cases not yet reported, up to and including all the cases decided at the November term, 1845, and if possible, a portion of the cases decided at the May term, 1846; that by the November term, 1847, he would publish the first part of the eighth volume, including therein the cases not before reported, of May term, 1846, all the cases decided at the November term, 1846, and a portion of the cases decided at the May term, 1847; and that from thenceforward he would publish by each succeeding term of the court, the cases decided at each preceding term, including the cases not reported, of May term, 1847." The committee are further authorized by the said Blackford to say to the House "that if he does not comply as above stated, he will not only decline the business of reporting, but will recommend the appointment of a regular reporter."

With these facts in view, the committee recommend that no legislation be at present had on the subject; and the committee ask to be discharged, &c.

Which was concurred in.

Mr. Julian made the following report:

Mr. Speaker:

The judiciary committee, to whom was referred bill of the House, No. 34, entitled "An act to increase the salaries of probate judges," have had the same under consideration, and have directed me to report the same back to the House and recommend its passage; and the committee ask to be discharged from the further consideration of the subject.

Said bill was read a second time, when
Mr. Dunham moved its indefinite postponement.
Which was not adopted.
Mr. Fuller moved to except the county of Warrick;
Which motion prevailed; and,
On motion by Mr. Thompson,
Said bill was laid on the table.

Mr. Porter made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a resolution of the House and sundry petitions on the subject of the jurisdiction of justices of the peace, have had the same under consideration, and have directed me to report a bill in accordance with said resolution and the prayer of said petitioners.

No. 145. A bill to amend the fourth section of the first article of chapter 47, of the Revised Statutes of 1843;

Was read a first time and ordered to a second reading on to-morrow.

Mr. Palmer made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred bill of the House, No. 99, have had the same under consideration, and directed me to report the same back to the House, and recommend its passage.

No. 99. A bill to amend and extend the provisions of the 18th, 19th and 20th sections of the 41st chapter of the Revised Code of 1843, in relation to the proceedings in domestic and foreign attachment;

Was read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Stanfield made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred the petition of sundry citizens of Allen county, praying for the repeal of a certain statute therein named, have had the same under consideration, and directed me to report a bill herewith presented, and recommend its passage.

No. 146. A bill to repeal an act entitled "An act changing the time of holding the probate courts in the county of Allen, and for other purposes," approved December 22, 1845, and for other purposes;

Was read a first time and ordered to a second reading on to-morrow.

Mr. Dunham made the following report:

Mr. Speaker:

The committee on the judiciary, to which was referred a resolution instructing said committee to inquire into the expediency of so amending the 40th section of chapter 35, of the Revised Statutes of 1843, as to authorize the circuit courts to grant divorces for wilful abandonment of one whole year, have had the same under consideration, and have instructed me to report the accompanying bill and recommend its passage, and said committee ask to be discharged from the further consideration of the subject.

Said bill was read a first time and ordered to a second reading on to-morrow.

Mr. Palmer made the following report:

Mr. Speaker:

The judiciary committee, to which was referred the petition of sundry citizens of the county of Pike, have had the same under consideration and directed me to report the following bill and recommend its passage:

No. 148. A bill for the relief of John McIntire, Clark M. Anthony, Joseph P. Glizen, and for other purposes;

Was read a first time and ordered to a second reading on to-morrow.

Mr. Stanfield made the following report:

Mr. Speaker:

The committee on the judiciary, to which was referred bill of the House, No. 15, to amend an act entitled "An act fixing the time of holding the courts in the ninth judicial circuit," approved January 19, 1846, have had the same under consideration, and made two amendments thereto, (which are herewith presented, together with said bills,) and recommend its passage.

Amendment first: Strike out the word "first," where it first occurs in the seventh line of the first section and insert "second." 2. Strike out all after the word Kosciusko in the ninth line of first section, and insert the following, to-wit: The said courts shall sit in each of said counties of Kosciusko and Elkhart twelve days, and in the county of Marshall six days, if the business of said counties shall severally require such time.

Which amendments were concurred in, the bill read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Porter made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a resolution of the House directing them to inquire into the expediency of so defining the duties of county boards of the several counties in this State as to authorize them on application, to vacate towns, streets, alleys, &c., to incorporate towns, &c., have had the same under consideration, and have directed me to report that all, or nearly all of the several subjects to which their attention is invited by said resolution, are already provided for by the laws now in force, and that they are not aware that any further legislation is necessary to accomplish the objects of said resolution.

Which was concurred in.

Mr. Sleeth made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred House bill No. 40, entitled "A bill to authorize masters in chancery and county auditors to take the acknowledgment of deeds, &c.," have had the same under consideration, and directed me to report it back to the House, with one amendment, viz: by striking out the first section in said bill; and respectfully recommend its passage.

Which amendment was concurred in;

And the said bill was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Meredith made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred a resolution of the House, No. 18, to inquire into the expediency of so amending the 54th section, article first, chapter sixteenth, of the Revised Code of 1843, that when any part of a road shall have been opened and worked, the same shall not become void, &c., have had the same under consideration, and direct me to report that it is inexpedient to legislate on the subject, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Meredith made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred bill of the House, No. 7, have had the same under consideration and directed me to

report it back to the House, and recommend its passage, and the committee ask to be discharged from the consideration thereof.

No. 7. A bill in relation to county roads;

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Meredith made the following report:

Mr. Speaker:

The committee on roads, to whom was referred House bill, No. 54, have had the same under consideration, and have directed me to report the same back to the House with the following amendment, to-wit: in the first section strike out the word "majority" and insert "two-thirds," and recommend the passage thereof as amended, and the committee asks to be discharged from the further consideration of the subject.

Which said amendments were not adopted;

And the bill read a second time, and laid upon the table.

Mr. Meredith made the following report:

Mr. Speaker:

The committee on roads, to whom was referred a resolution of the House, No. 29, to inquire into the expediency of providing by law for the election of supervisors by the voters of each road district, have had the same under consideration, and directed me to report that it is inexpedient to legislate on the subject, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Meredith made the following report:

Mr. Speaker:

The committee on roads, to whom was referred House bill, No. 76, have had the same under consideration, and have directed me to report it back to the House and recommend its passage, and ask to be discharged from the further consideration thereof:

No. 76. A bill defining the width of roads in the counties of Clinton and Tipton;

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Meredith made the following report:

Mr. Speaker:

The committee on roads, to whom was referred a resolution of the

House, No. 28, have had the same under consideration and direct me to report that the subject matter contained in said resolution is reported in House bill No. 7, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Colms made the following report:

Mr. Speaker:

The select committee to which was referred a petition of sundry citizens of the counties of Kosciusko and Marshall, asking the location of a State road therein named, have had the same under consideration, and have instructed me to report the following bill and ask its passage.

No. 149. A bill authorizing the location of a State road in the counties of Kosciusko and Marshall;

Was read a first time, and ordered to a second reading on to-morrow.

On motion by Mr. Secrest,

Resolved, That the standing committee on education be instructed to inquire into the expediency of exempting from taxation all property, both real and personal, belonging to Universities, Seminaries, schools, and other public institutions of learning in this State, with leave to report by bill or otherwise.

On motion by Mr. Yaryan,

Resolved, That the Assistant Clerk of this House have leave to employ assistance at any time he may deem the same necessary.

Mr. Colms offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so modifying the first, second, third and fourth sections of chapter fifty-three of the Revised Statutes of 1843, as to abolish capital punishment; and to amend the law relative to the punishment of treason and murder, in the first degree, approved January the 15th, 1846, so as to take all discretionary power from any jury trying said cause.

Which was not adopted.

Mr. Powell offered the following resolution:

Resolved, That the committee on roads be instructed to inquire into the expediency of so amending the 113th section of chapter 16 of the Revised Statutes of 1843, as to make it the duty of hands working roads, to do a good and faithful day's work, at the sound discretion of the supervisors.

Which was not adopted.

Mr. Holland offered the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the probate law, as to authorize

the clerks of the courts in the several counties, to grant letters of guardianship in vacation, as well as letters testamentary, and of administration; and report by bill or otherwise.

Which was not adopted.

On motion by Mr. Yaryan,

Resolved, That the committee on the judiciary be instructed to inquire whether or not the fees and salaries of county auditors, clerks, and recorders, in general, ought not to be reduced; and that they report by bill or otherwise.

On motion by Mr. Tait,

Resolved, That the committee on military affairs be allowed to employ a clerk when they may deem it expedient.

Mr. Hull offered the following resolution:

Resolved, That the committee on the judiciary be instructed to quire into the expediency of repealing the Revised Code of 1843, and substituting the Revised Statutes of 1838 in its stead.

Which was not adopted.

Mr. Julian offered the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the law on the subject, as to make all judgments rendered at the same term of any circuit court, *equally* a lien on all the real estate bound thereby, without any reference to the date of each judgment; and to report by bill or otherwise.

Which was not adopted.

On motion by Mr. Monk,

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the school law, that it be less complicated, and more easily understood; and they have leave to report by bill or otherwise.

JOINT RESOLUTIONS INTRODUCED.

By Mr. Carr of Lawrence:

No. 150. A joint resolution relative to the duties of the superintendent of the Central canal;

By Mr. Dowling:

No. 151. A joint resolution in relation to the claim of Francis Vigo, late a citizen of Knox county, Indiana;

Which were each read a first time, and ordered to a second reading.

The Speaker laid before the House the report of the Visiter of the State Prison;

Which was laid upon the table, and three hundred copies ordered to be printed.

On motion by Mr. Fuller,

The members of the House composing the committee on scientific and benevolent institutions, had leave of absence from the House for the afternoon.

On motion by Mr. Fuller,
The House adjourned until 2 o'clock, P. M.

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2 *o'clock, P. M.*

House met.

BILLS INTRODUCED.

By Mr. Thompson:
No. 152. A bill to amend the 48th chapter article 5th of the Revised Statutes of 1843, in regard to writs of *ad quad damnum;*
By Mr. Ferguson:
No. 153. A bill to provide for the completion of the State Prison;
By Mr. Secrest:
No. 154. A bill to amend an act entitled "An act to incorporate the trustees of the Indiana Asbury University," approved January 10, 1837.
By Mr. Holman:
No. 155. A bill to locate a State road from Logansport to Miami, in Grant county;
By Mr. Shields:
No. 156. A bill in relation to the school fund in Jackson county;
By Mr. Yaryan:
No. 157. An act relating to the retailing of spiritous liquors;
By Mr. Moore:
No. 158. An act appointing a commissioner to locate a certain State road;
By Mr. Dole:
No. 159. A bill authorizing the superintendent of the Wabash and Erie canal to settle with Gookins, Barnes, and Thomas:
By Mr. Huff:
No. 160. An act declaring an act therein named to be a misprint;
By Mr. Tait:
No. 161. An act for the safe keeping of the records of Ohio county;
By Mr. Yaryan:
No. 162. An act for the benefit of Jesse Wolf;
By Mr. Thompson:
No. 163. An act to amend 48th and 49th sections of the second article of the 29th chapter of the Revised Code of 1843;
Which were each severally read a first time, and ordered to a second reading.
The following message was received from his Excellency the Governor, by Mr. Hanna, his private Secretary:

MR. SPEAKER:

I am directed by his Excellency the Governor, to inform the House of Representatives, that he has on this day approved and signed the following bill, to-wit:

No. 87. An act to provide for a settlement with the superintendent of the State Prison;

Which originated in the House of Representatives.

ORDERS OF THE DAY.

The question pending before the House at the adjournment on Saturday was on the engrossment of Senate bill,

No. 23. An act to amend an act entitled "An act for the relief of purchasers of canal lands," approved January 19, 1846;

Mr. Dole moved to amend as follows:

Add the following in its proper place in the tenth section:

"*Provided*, That the act to which this section refers shall hereafter be accepted by the creditors of Indiana and becomes the law of the State and not otherwise."

Which amendment was adopted;

And said bill, the rules being suspended, considered as engrossed, read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

The Speaker laid before the House the following communication from the Superintendent of the Wabash and Erie canal:

DECEMBER 21, 1846.

To the House of Representatives:

I have been notified that the House of Representatives, on the 19th inst., passed the following resolution:

"*Resolved*, That the Superintendent of the Wabash and Erie Canal be requested to report to this House the amount of unpaid liquidated damages for private property taken for public use in the construction of said canal: also, what amount of claims yet remain to be adjusted, so far as he has been able to ascertain the same: also, whether the damages heretofore assessed have been so assessed with a view to their payment in canal scrip or in par funds."

In reply, I have to state that I have no means here of ascertaining the amount of damages that have been assessed, but must speak from recollection, which is by no means clear. I think, however, the amount will not exceed $25,000 00, on the line west of Lafayette. The amount assessed and unpaid east of Lafayette is, I believe, a little less than $3,000 00.

Of the amount of claims yet to be adjusted, I have no means of knowing. I believe there are some claims already filed, and probably there are some others yet to be filed, but of their number or the amount claimed, I have no knowledge whatever.

So far as my knowledge extends, the damages have been assessed with a view to payment in par funds. All the awards that have been made since I came into office provide that the claimant shall receive a specific sum in par funds or its equivalent in canal scrip.

Respectfully submitted,

S. FISHER,
General Superintendent.

Which was laid upon the table.

HOUSE BILLS ON THIRD READING.

No. 61. An act to extend the time of receiving work on road tax in the counties therein named;

No. 62. An act to amend an act entitled "An act to compel speculators to pay a road tax equal to that paid by actual settlers," approved January 31st, 1842;

No. 75. An act entitled an act declaring a part of Salt Creek a public highway, approved February 13, 1840;

No. 79. An act to amend an act entitled "An act to modify the thirteenth section, chapter sixteen of the Revised Statutes," approved January 19, 1846;

No. 90. An act in relation to the service of subpœnas in chancery;

No. 102. An act forming all that portion of township one, north of range ten west, which lies south of White river, in Gibson county, into a congressional township for school purposes;

No. 108. An act in relation to proof of notice by publication;

No. 111. An act to vacate certain alleys in the town of Bloomington;

No. 113. A joint resolution on the subject of school section number sixteen, town. seventeen, range six;

No. 114. An act to change the name of Ellen Loudenberger to Ellen Lomax;

No. 115. An act to locate a State road in the counties of Grant and Richardville;

Were each severally read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 103. An act to repeal an act, entitled "An act for the protection of wild fruit growing on the public lands in the counties of Lake, Porter, Laporte, St. Joseph, Marshall, Fulton, and Kosciusko, approved January 13, 1844;

Was read and recommitted to a select committee of Messrs. Parks,

Woodruff, and Decker, with instructions to strike out the counties of Pulaski and Marshall.

HOUSE BILLS ON SECOND READING.

No. 118. An act amendatory to "an act for the relief of Delaware and Grant counties," approved January 13th, 1844;

No. 119. A bill to amend the act entitled, "an act granting to the citizens of Madison and the town of Lawrenceburgh, a city charter;

No. 121. A bill authorizing the sale of section 16, in township No. 27 north, range 7 east;

No. 122. An act authorizing the State Bank of Indiana to lay off plats and record in out-lots certain lands adjoining and lying near the town of South Bend, in St. Joseph county;

No. 128. A bill to regulate the mode of doing county business in the county of Harrison;

No. 131. An act to authorize the Secretary to make a deed in a certain case;

No. 132. A joint resolution in relation to pre-emptions on the Miami national reservation, in the State of Indiana;

No. 135. An act authorizing the collection of certain taxes therein named;

No. 137. An act to authorize clerks of circuit courts to administer oaths in certain cases:

No. 141. An act in relation to roads and highways in Putnam county;

No. 143. An act for the improvement of highways in Bartholomew county;

Which were each read a second time and ordered to be engrossed for a third reading.

No. 120. A bill for the relief of Wiley M. Edmonston and Sarah Ann Edmonston, his wife, late Sarah Ann Parrott;

Was read a second and third times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

No. 123. An act to repeal the third section of an act entitled "An act to provide for the re-appraisement of real estate heretofore appraised and subject to taxation, and for other purposes;"

Which was read a second time;

Amended by inserting in the proper place the county of Clay, and also, further amend by inserting the following:

Sec. 4. *Be it further enacted*, That the assessments of Clay county for the year 1846, be and the same is hereby legalized so far as relates to polls and personal property."

And the bill as amended referred to a select committee of Messrs. Dunham, Lewis, and Dobson.

No. 124. An act relative to the probate court of Henry county;

Was read a second time, and

On motion by Mr. Summers,

Was laid on the table.

No. 125. An act to repeal the fourth section of an act approved December 14th, 1843, entitled "An act to reduce the salaries of Governor of State and other officers, and for other purposes;

Which was read a second time, and laid upon the table.

No. 129. A bill declaring a certain act therein named to be in force;

Was read a second and third times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

No. 126. An act to amend section fifteen, chapter fifty-five, article eight, of the Revised Statutes of 1843;

No. 127. An act to extend the writ of garnishee in certain cases;

Were each read a second time, and referred to the committee on the judiciary.

No. 130. An act to legalize the acts of the probate judge of Lagrange county;

Was read a second time, and referred to the committee on the judiciary with instructions to make the provisions of the bill general.

No. 133. An act providing for the better payment of mortgages due the trust funds of this State;

Was read a second time, and referred to the committee on trust funds.

No. 134. An act for the relief of certain persons therein named;

Was read a second time, and referred to a select committee of Messrs. Suit, Neal, and Hatfield.

No. 136. An act exempting improvements from taxation for county purposes, in the county of Kosciusko;

Was read a second time, and referred to a select committee of Messrs. Colms, Holland, and Shields.

No. 138. An act to locate a State road in Randolph and Wayne counties;

No. 139. A bill to establish a State road in the county of Dearborn;

Were each read a second time, and referred to the committee on roads.

No. 140. An act relative to docket fees in the Supreme Court;

Was read a second time, and laid on the table.

No. 142. An act to amend the 91st section of the third article of chapter sixteen, and the 87th and 88th sections of the same article and chapter of the Revised Statutes of 1843, in reference to the duties of supervisors of roads;

Was read a second time, and referred to a select committee of Messrs. Wolfe, Jones of Greene, and Lewis.

Senate bill,

No. 13. A bill to repeal certain special laws in force in the 11th judicial circuit;

Was read a second time, and laid upon the table; and,

On motion,

The House adjourned until to-morrow morning, nine o'clock.

TUESDAY MORNING, December 22, 1846.

The House met pursuant to adjournment.

Mr. Thompson, according to notice given on yesterday, moved to amend the 37th standing rule of this House, as follows:

"Petitions, memorials and other papers addressed to the House may be presented by the Speaker or by any member, and shall not be debated unless by the consent of the majority of the House, but forthwith referred or otherwise disposed of."

Which motion prevailed, and the said rule was so amended.

PETITIONS, MEMORIALS, &c. PRESENTED.

By Mr. Thompson, the petition of Thomas Wheatley and others, of Perry county;

Which was referred to a select committee of Messrs. Thompson, Huff, and Secrest.

By Mr. Noel, the petition of N. Wright and others, of Marion county, praying an amendment to the road law;

Which was referred to a select committee of Messrs. Noel, Stewart of Laporte, and Dowling.

By Mr. Thomas, a petition for the appointment of commissioners to mark out and locate a State road from Rushville to Laurel, in Franklin county;

Which was referred to a select committee of Messrs. Thomas, Huddleston, Wiley, and Crookshank.

By Mr. Monk, a petition for the passage of a joint resolution to Congress for the passage of more efficient laws for the protection of soldiers now in Mexico, relative to sutlers and sellers of provisions;

Which was referred to a select committee of Messrs. Monk, Lemmonds, and Hanna.

By Mr. Miller, the petition of James Kitchens of the county of Gibson, asking for relief;

Which was referred to a select committee of Messrs. Miller, Porter, and Fuller.

Mr. Tait made the following report:

MR. SPEAKER:

The committee of enrolled bills have compared the following enrolled with the engrossed bills, and find them correctly enrolled.

No. 1. An act for the extension of the time of holding the probate courts in certain counties therein named.

No. 46. An act to repeal the provision of an act entitled, "an act to amend the 4th article of the 16th chapter of the Revised Statutes of 1843, so far as the same relates to the counties of Washington and Jackson, approved January 5, 1844," so far as relates to the said county of Jackson.

No. 14. An act to legalize the publication of the lands returned and remaining delinquent, and sales thereof for taxes due thereon in the county of Shelby, for the years 1844–'5.

Whereupon, the Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

Mr. Suit made the following report:

MR. SPEAKER:

The committee on elections to whom was referred bill No. 74, with the amendments and instructions, have had the same under consideration, and a majority of them have directed me to report the same back to the House with the amendments proposed in the House, and recommend its passage, and that in their opinion, it is inexpedient to make it a general law, and respectfully ask to be discharged from the further consideration of the subject.

No. 74. A bill for the relief of the voters of Warrick county;

Was read a second time; when

Mr. Harvey moved to concur with the amendments by adding Hendricks county;

Pending which,

Mr. Secrest moved to lay the same on the table;

Which motion did not prevail.

The motion of Mr. Harvey was then adopted.

On motion by Mr. Walker,

The counties of Daviess and Martin were inserted.

On motion by Mr. Dobson,

The county of Owen was inserted.

On motion by Mr. Thompson,

The county of Perry was inserted.

On motion by Mr. Lemmonds,

The county of Dubois was inserted.

On motion by Mr. Huff,
The county of Spencer was inserted.
On motion by Mr. Porter,
The county of Harrison was inserted.
On motion by Mr. Tait,
The county of Ohio was inserted.
Mr. Secrest moved to amend so as to make it a general law.
On which motion,
Messrs. Secrest and Stewart of Fayette demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Arnold, Carr of Lawrence, Dobson, Dunham, Fuller, Green, Hamilton, Harvey, Hicks, Huff, Julian, Lemmonds, Miller, Osborn, Porter, Secrest, Tackett, Tait, Tebbs, Thompson, Trimble, and Walker—22.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Brown, Balding, Battell, Carr of Clark, Carnahan, Cassatt, Clark, Colms, Cravens, Crookshank, Deam, Decker, Dole, Dowling, Edwards, Ferguson, Fry, Gilleece, Gordon, Griffis, Hall of Posey, Hall of Warren, Hanna, Harding, Harlan, Hatfield, Hendricks, Holland, Holman, Hostetter, Huddleston, Huffstetter, Hull, Hunt, Jenison, Johnson, Jones of Blackford, Jones of Greene, Kerr, Lewis, Logan, Lutz, Mason, May, McCormack, Meredith, Monk, Moore, Neal, Noel, Nofsinger, Norton, Palmer, Parker, Parks, Powell, Scott, Shields, Sleeth, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Thomas, Watts, Wiley, Wilson, Wise, Wolfe, Woodruff, Yaryan, Young, and Mr. Speaker—77.

So said motion did not prevail.
Mr. Crookshank moved to indefinitely postpone the bill;
Pending which,
Mr. Miller moved to lay it on the table;
Which motion did not prevail.
The question then recurring on the indefinite postponement of the bill,
Messrs. Fuller and Yaryan demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Balding, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Colms, Cravens, Crookshank, Decker, Dole, Dowling, Edwards, Fry, Gilleece, Gordon, Griffis, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Harlan, Hatfield, Hendricks, Holland, Hostetter, Huddleston, Huffstetter, Hull, Johnson, Jones of

Greene, Julian, Kerr, Logan, May, McCormack, Meredith, Miller, Monk, Moore, Noel, Nofsinger, Norton, Osborn, Powell, Scott, Secrest, Shields, Sleeth, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Thomas, Wiley, Wilson, Wise, Woodruff, Yaryan, and Mr. Speaker—62.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Arnold, Brown, Battell, Cassatt, Deam, Dobson, Dunham, Fuller, Green, Harvey, Hicks, Holman, Huff, Hunt, Jenison, Jones of Blackford, Lemmonds, Lewis, Lutz, Mason, Neal, Palmer, Parker, Parks, Porter, Tackett, Tait, Tebbs, Thompson, Trimble, Walker, Watts, Wolfe, and Young—36.

So said bill was indefinitely postponed.

Mr. Porter made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred a petition of sundry citizens praying for the passage of an act for the punishment of persons guilty of embezzlement, have had that subject under consideration and have directed me to report a bill in pursuance of the prayer of the petitioners.

No. 164. A bill to provide for the punishment of persons guilty of embezzlement.

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Stanfield made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred the memorial of W. G. Ewing and others, of Allen county, preferring against George Johnson, Esq., judge of the Allen county probate court, charges of corruption and malfeasance in his said office, have had the same under consideration, and directed me to report to the House that the committee are of opinion that the said charges merit an investigation, and, to enable the committee to do so, ask the House to adopt the following resolution, to-wit:

Be it resolved, That the committee on the judiciary be, and are hereby authorized to send for persons and papers in the matter of George Johnson, Esq., judge of the Allen county probate court, now pending before said committee.

Which was concurred in, and the resolution adopted.

Mr. Harvey made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred resolution No. 51, of this House, instructing said committee to inquire whether the Legislature has the constitutional power to pass a law or laws fixing the rate of interest on the private property and moneys of individuals; and if the Legislature has no such power to report a bill, if they deem it expedient to do so, repealing all such laws, and make it a matter of contract between individuals fixing their own rates of interest, have had the same under consideration, and instructed me to report, that in the opinion of said committee the Legislature has the constitutional power to fix the rates of interest, and that further legislation on the subject is unnecessary; and said committee ask to be discharged from further consideration of the subject.

Which was concurred in.

Mr. Julian made the following report:

MR. SPEAKER:

The judiciary committee to whom was recommitted the resolution of the House, No. 36, on the subject of the election of county surveyors in Kosciusko county, with instructions to report a bill providing for the election, by the people, of such surveyors in all the counties in the State, have had that subject under consideration, and direct me to report the following bill and recommend its passage—and the committee ask to be discharged.

No. 36. A bill authorizing the elections of county surveyors.

Which was read as amended a second time, when

Mr. Harvey moved to except Hendricks county.

Which motion did not prevail.

And the bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Sleeth made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred resolution No. 52, instructing them to inquire into the expediency of amending the 19th section of the 21st chapter of the Revised Statutes in relation to the takers-up of estrays, have had that subject under consideration, and have directed me to report that legislation thereon is inexpedient, and respectfully ask to be discharged from any further consideration of the subject.

Which was concurred in.

Mr. Julian made the following report:

Mr. Speaker:

The judiciary committee to whom was referred resolution of the House No. 46, directing them to report a bill amending the laws on the subject of the assessment of personal property for taxation so as to make it the duty of county assessors to administer an oath or affirmation to tax payers, in reference to the amount of certain kinds of personal property, have had that subject under consideration, and direct me to report the following bill and recommend its indefinite postponement—and the committee ask to be discharged.

No. 165. A bill defining the duties of county assessors.

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Porter made the following report:

Mr. Speaker:

The judiciary committee to whom was referred a resolution of the House, instructing them to inquire into the expediency of so amending the laws now in force that creditors may have the benefit of a capias ad respondendum by filing their affidavit that the defendant is indebted to them and is about to leave the county and go to parts unknown, have had that subject under consideration, and have directed me to report that in their opinion further legislation on that subject is unnecessary—and ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Dunham made the following report:

Mr. Speaker:

The committee on the judiciary to whom was referred House bill No. 100, a bill providing for the election of township assessors in Hancock county, with instructions to amend the same by inserting the counties of Wabash, Kosciusko, and Brown, and by making said bill take effect in the counties of Kosciusko and Brown on the first day of April, 1848, have had the same under consideration, and have instructed me to report that they have made such amendments, which are herewith reported, and when so amended, to recommend its passage.

Amendments to House bill No. 100.

Amend in the first section in the third line, before the word Hancock, by inserting "the counties of Wabash, Kosciusko, Brown," &c., and by striking out after said word the word "counties."

Amend in section fourth, third line, by inserting before the word

Hancock, "the counties of Wabash, Kosciusko, Brown," &c., and by striking out the word "county" after said word Hancock, and by inserting the word "are" instead thereof.

Amend in section fifth, by adding "except in the counties of Kosciusko and Brown, in which counties it shall take effect on the first day of April, eighteen hundred and forty-eight."

Which said amendments were adopted.

And the bill read a second time and lost on the question of its engrossment.

Mr. Porter made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred a resolution of the House directing them to inquire into the expediency of providing for a general law regulating the fees and salaries of county officers so as to make them uniform, &c., have had that subject under consideration, and have directed me to report, that in their opinion the fees and salaries of the county officers are now as low as they should be to afford a fair compensation to the officers for their labor, and that legislation on that subject is not necessary at this time. They, therefore, ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Meredith made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred the petition of Samuel Adsit and others, for the location of a State road in Adams and Wells counties, have had the same under consideration, and direct me to report a bill for the location of said road, and the committee ask to be discharged from the subject.

No. 166. A bill to locate a State road in the counties of Wells and Adams.

Was read a first time and ordered to a second reading on to-morrow.

Mr. Brown made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred a petition from sundry citizens of Richardville and Carroll counties, have had the same under consideration and instructed me to report the following bill and recommend its passage:

No. 167. A bill to locate a State road in the counties of Richardville and Carroll;

Was read a first time and ordered to a second reading on to-morrow.

Mr. Dowling made the following report:

Mr. Speaker:

The committee on canals and internal improvements to which was referred the resolution of the House of the 18th instant, instructing them to inquire into the expediency of memorializing Congress to pass a law authorizing and directing the commissioner of the general land office to confirm the selections of 35,319 52-100 acres of land made by the agents of this State in 1843, to aid in completing the Wabash and Erie canal, notwithstanding said lands may not have been subject to private entry, have had the same under consideration, and have agreed upon the following joint resolution, and respectfully recommend its passage:

No. 168. A joint resolution to Congress praying a confirmation of the selection of lands made in 1843, to aid in completing the Wabash and Erie canal;

Was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Dowling,

The House adjourned until two o'clock, P. M.

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2 o'clock, P. M.

House met.

Mr. Jones of Greene made the following report:

Mr. Speaker:

The committee on canals and internal improvements, to which was referred sundry petitions praying relief to the purchasers of canal lands, have had the subject under consideration, and have directed me, inasmuch as a bill has already passed the House on that subject, to report said petitions back to the House and recommend that they be laid upon the table, and respectfully ask that said committee be discharged from the further consideration thereof.

Which was concurred in.

Mr. Dole made the following report:

Mr. Speaker:

The committee on canals and internal improvements, to whom was referred a bill of the Senate, No. 24, entitled "A bill for the payment of damages assessed or to be assessed for private property taken for public use in the construction of the Wabash and Erie canal," have had the same under consideration, and have directed me to report the same back with the following amendments and recommend its passage.

Amend the first section by striking out of the fifth line the words "or hereafter may be," also add to said section after the word canal in the last line of said section the words "either east or west of Tippecanoe."

Also add the following section:

That whenever the assessment of damages caused by the conversion of private property to public use in the construction of said canal have been made with a view to their payment in canal scrip, the superintendent of said canal is hereby authorized to cause the same to be reassessed before the amount of such damages shall, under the provisions of this act, be paid or payable in par funds.

Which report was concurred in, and the amendments adopted.

And said bill was read a second time and ordered to be engrossed for a third reading on to morrow.

The petition heretofore presented by Mr. Hanna relative to the formation of a new county out of parts of Clinton, Carroll and others, was taken from the table and referred to a select committee to which Messrs. Palmer, Smiley, Brown and Colms were added.

Mr. Noel moved a call of the House;

Which was seconded;

And after some time spent therein,

On motion by Mr. Parker,

A further call was suspended.

Mr. Noel, on leave, introduced the following resolution;

Resolved, That the Clerk inform the Senate that the House are now ready to proceed with closed doors, to the election of a bank director to fill the vacancy occasioned by the expiration of the term of service of the Hon. William Dailey.

Which was adopted.

Mr. Colms made the following report:

Mr. Speaker:

The select committee to which was referred bill No. 136, of this House, have had the same under consideration, and amended the bill

as follows: Strike out all after the enacting clause, and insert the following—and respectfully recommend its passage:

Amendments: That all improvements on real estate in the counties of Kosciusko and Miami be and the same are hereby exempt from taxation for county purposes.

Sec. 2. That all laws conflicting with the provisions of this act be and the same are hereby repealed.

This act to be in force from and after its passage.

Which said amendments were concurred in, and said bill,

No. 136. A bill exempting improvements from taxation for county purposes in the county of Kosciusko,

Was read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Suit made the following report:

Mr. Speaker:

The select committee, to whom was referred bill No. 134, have had the same under consideration, and have directed me to report the same back to the House with the following amendments, to-wit: Strike out the second section of the bill and insert the following:

Sec. 2. *And be it further enacted*, That the treasurer of State pay to Nimrod Landress, one hundred and fifty dollars for money expended and services rendered in accompanying the said Joseph Laclare, after the said John Chrisman, and in aiding in apprehending and conveying the said John Chrisman to Lebanon, Boone county, in this State.

Which amendments were adopted;

And the said bill, as amended,

Read a second time and ordered to be engrossed for a third reading.

The following message was received from the Senate by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate are now ready to proceed to the election of a Bank Director, to fill the vacancy occasioned by the expiration of the term of service of Hon. Wm. Dailey.

Mr. Watts, on leave being given, offered the following:

Resolved, That the Superintendent of the Hospital for the Insane be tendered the use of the Hall of the House of Representatives on Wednesday evening, for the purpose of exhibiting and explaining the plans of said Hospital.

Which was adopted.

The House then proceeded, with closed doors, to the election of a

Bank Director, to fill the vacancy occasioned by the expiration of the term of service of the Hon. William Dailey;

Messrs. Colms and Miller acting as tellers.

On counting the first ballot, it appeared that:

William Dailey received	36 votes.
Mr. Morgan received	37 votes.
F. Sawyer received	9 votes.
Mr. Sweetzer received	1 vote.
Blank	8 votes.

No person having received a majority of all the votes given, the House then proceeded to a second balloting for the same.

On counting the votes it appeared that:

Wm. Dailey received	35 votes.
Mr. Morgan received	39 votes.
F. Sawyer received	11 votes.
Mr. Sweetzer received	5 votes.
Blank	8 votes.

No person having received a majority of all the votes given, the House then proceeded to a third balloting for the same.

On counting the votes it appeared that:

Mr. Dailey received	36 votes.
Mr. Sawyer received	13 votes.
Mr. Morgan received	38 votes.
Mr. Sweetzer received	6 votes.
Blank	6 votes.

No person having received a majority of all the votes given, the House then proceeded to a fourth balloting for the same.

On counting the votes it appeared that:

Mr. Dailey received	34 votes.
Mr. Morgan received	42 votes.
Mr. Sawyer received	15 votes.
Mr. Sweetzer received	2 votes.
Blank	5 votes.
Scattering,	1 vote.

No person having received a majority of all the votes given, the House then proceeded to a fifth balloting for the same.

On counting the votes it appeared that:

Mr. Dailey received	23 votes.
Mr. Morgan received	43 votes.
Mr. Sawyer received	21 votes.
Mr. McKay received	3 votes.
Blank	9 votes.

No person having received a majority of all the votes given, the House then proceeded to a sixth balloting for the same.

On counting the votes it appeared that:

Mr. Dailey received	19 votes.
Mr. Morgan received	44 votes.
Mr. Sawyer received	30 votes.
Scattering,	7 votes.

No person having received a majority of all the votes given, the House then proceeded to a seventh balloting for the same.

On counting the votes it appeared that:

Mr. Morgan received	45 votes.
Mr. Dailey received	8 votes.
Mr. Sawyer received	41 votes.
Scattering,	5 votes.

No person having received a majority of all the votes given, the House then proceeded to an eighth balloting for the same.

On counting the votes it appeared that:

Mr. Morgan received	46 votes.
Mr. Dailey received	3 votes.
Mr. Sawyer received	48 votes.
Scattering,	2 votes.

No person having received a majority of all the votes given,

On motion,

The House adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, December 23d, 1846.

The House met pursuant to adjournment.

Mr. Carr of Lawrence moved a call of the House;
Which was seconded:
And after some time spent therein,
The further call was suspended.
Mr. Secrest offered the following:
Resolved, That the clerk inform the Senate, that the House of Representatives are now ready to continue separate ballots for Bank Director.
Which was adopted.
Mr. Parker, on leave given, offered the following:
Resolved, That the doorkeeper of the House be, and he is hereby authorized to serve all process which may become necessary, in reference to any investigation before the House, or any committee thereof; and that he shall receive the usual fees therefor.
Which was adopted.
Mr. Powell, on leave, offered the following:
Resolved, That the doorkeeper be requested to furnish this House with the circular of the Treasurer of the United States, upon the subject of agriculture, *instanter*.
Which was laid on the table.
The following message was received from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives, that the Senate are now ready to proceed with closed doors, to the election of a Bank Director, in place of the Hon. Wm. Dailey.

The House then proceeded with closed doors to continue the ballotings for State Bank Director, to fill the vacancy which will occur by the expiration of the term of service of the present incumbent. Messrs. Harlan and Hendricks acting as tellers.
On counting the votes of the ninth ballot, it appeared that,

Mr. Daily received - - - - - - - -	47 votes.
Mr. Morgan received - - - - - - - -	49 votes.
Blank, - - - - - - - - - -	3 votes.

No person having received a majority of all the votes given, the House then proceeded to a tenth balloting for the same.
On counting the votes it appeared that,

Mr. Morgan received - - - - - - - -	50 votes.
Mr. Dailey received - - - - - - - -	48 votes.
Blank, - - - - - - - - -	1 vote.

Mr. Morgan having received a majority of all the votes given, was by the Speaker declared duly elected on the part of the House to serve as Director of the State Bank of Indiana, for and during the term of four years, from and after the expiration of the term of service of the present incumbent.

Ordered, That the clerk inform the Senate thereof by a sealed message.

The following message was received from the Senate, by Mr. Jones, their secretary:

MR. SPEAKER:

I am directed by the Senate to deliver to the House the accompanying sealed message, in relation to the election of a Bank Director.

MR. SPEAKER:

I am directed by the Senate to inform the House, that at an election held by the Senate, with closed doors, in pursuance of a resolution of the two Houses, for the purpose of electing a Director of the State Bank of Indiana, the Hon. William Dailey received on the second balloting a majority of all the votes given, and was thereupon declared duly elected on the part of the Senate, to serve as such Director, for and during the term of two years, from and after his present term of service.

JOHN R. JONES,
Secretary of the Senate.

The two Houses having failed to agree, the House then proceeded to a first balloting for the same.

On counting the votes, it appeared that,

Mr. Morgan received - - - - - - - -	48 votes.
Mr. Dailey received - - - - - - - -	50 votes.
Blank, - - - - - - - - -	1 vote.

Mr. William Dailey having received a majority of all the votes given, was declared duly elected on the part of the House, State Bank Director, to serve as such for the term of four years from and after the expiration of his present term of service.

Ordered, That the clerk inform the Senate thereof by a sealed message.

The following message was received from the Senate, by Mr. Jones, their secretary:

MR. SPEAKER:

I am instructed by the Senate to deliver to the House of Representatives, the accompanying sealed message, in relation to the election of a Director, on the part of the State, of the State Bank of Indiana.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that at an election for a Director of the State Bank of Indiana, held with closed doors, to fill the vacancy occasioned by the expiration of the term of service of the Hon. William Dailey, William Dailey, on the fifth ballot, received a majority of all the votes given, and was declared duly elected on the part of the Senate, a Director as aforesaid, to serve as such for the term of four years, from and after the expiration of his present term of service.

JOHN R. JONES,
Secretary of the Senate.

On motion by Mr. Secrest,

Ordered, That the clerk of this House inquire into the fact, whether there has any bill passed this House, having in its provisions a clause granting a divorce.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Smiley, the remonstrance of sundry citizens of Tippecanoe county, against the formation of a new county out of the counties of Carroll, Clinton, and others.

By Mr. Palmer, the remonstrance of sundry citizens of Richardville county, on the same subject.

By Mr. McCormack, the remonstrance of sundry citizens of Tippecanoe, on the same subject.

All of which were referred to the select committee to whom former petitions on the same subject were referred.

By Mr. Dunham, the petition of divers citizens of congressional township two, north of range two east, in the Jeffersonville district, in reference to a new school district;

Which was referred to the committee on education.

By Mr. Decker, a petition for the repeal of the road tax in Jasper county;

Which was referred to a select committee of Messrs. Decker, Woodruff, and Hostetter.

By Mr. Anthony, the petition of sundry citizens of Floyd county, in regard to the appointment of overseers of the poor in said county;

Which was referred to a select committee of Messrs. Anthony, Carr of Clark, and Porter.

By Mr. Yaryan, a petition praying the repeal of certain laws therein named.

Mr. Palmer moved to lay said petition on the table, and,

On this motion,

Messrs. Noel and Palmer demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Arnold, Carr of Lawrence, Carnahan, Colms, Crookshank, Deam, Decker, Dobson, Dunham, Edwards, Fry, Griffis, Green, Hall of Posey, Hall of Warren, Harvey, Hatfield, Hicks, Holman, Hostetter, Huff, Huffstetter, Johnson, Jones of Blackford, Jones of Greene, Lemmonds, Lewis, Logan, Lutz, May, Miller, Monk, Moore, Neal, Nofsinger, Norton, Osborn, Palmer, Parker, Porter, Secrest, Smiley, Summers, Tackett, Tait, Tebbs, Thompson, Trimble, Wiley, Wilson, Wilson, Wolfe, Woodruff, Young, and Mr. Speaker—55.

Those who voted in the negative are,

Messrs. Addleman, Brown, Balding, Battell, Carr of Clark, Cassatt, Clark, Cravens, Dole, Ferguson, Gilleece, Gordon, Hamilton, Hanna, Harding, Harlan, Hendricks, Holland, Huddleston, Hull, Hunt, Jenison, Julian, Kerr, Mason, McCormack, Meredith, Noel, Parks, Powell, Scott Shields, Sleeth, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Thomas, Walker, Watts, Wise, and Yaryan—42.

So said petition was laid upon the table.

By Mr. Deam, the petition of sundry citizens of Adams, Wells, Jay and Blackford counties, on the subject of a certain state road therein mentioned;

Which was refered to the standing committee on roads.

By Mr. Parker, a petition in relation to the purchasers of canal lands;

Which was referred to a select committee of Messrs. Parker, Palmer, and Gilleece.

By Mr. Colms, the petition of Thomas Romine, praying a divorce.

Mr. Dunham moved to lay said petition on the table;

Upon which motion,

Messrs. Colms and Hamilton demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Brown, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Cravens, Crookshank, Deam, Decker,

Dunham, Gordon, Griffis, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Harvey, Hicks, Holland, Holman, Huddleston, Huff, Hunt, Johnson, Jones of Blackford, Jones of Greene, Julian, Kerr, Lutz, McCormack, Moore, Neal, Nofsinger, Norton, Osborn, Parks, Porter, Scott, Secrest, Shields, Smiley, Stanfield, Stewart of Fayette, Suit, Summers, Thomas, Thompson, Trimble, Watts, Wiley, Wolfe, Woodruff, Yaryan, Young, and Mr. Speaker—59.

Those who voted in the negative are,

Messrs. Anthony, Arnold, Cassatt, Colms, Dobson, Dole, Dowling, Edwards, Ferguson, Fuller, Gilleece, Hamilton, Harlan, Hatfield, Hendricks, Hostetter, Huffstetter, Hull, Jenison, Lemmonds, Lewis, Logan, Mason, May, Meredith, Miller, Monk, Noel, Palmer, Parker, Powell, Sleeth, Stewart of Laporte, Tait, Tebbs, Walker, Wilson, and Wise—36.

So said petition was laid on the table.

By Mr. Griffis, the petition of sundry citizens of Randolph county, praying a divorce for James Dwiggins;

Which was,

On motion,

Laid upon the table.

By Mr. Ferguson, the petition of James Carr, asking for a divorce from his wife, Eliza Carr;

Which was laid upon the table.

On motion by Mr. Cassatt,

The members of the House composing the committee on scientific and benevolent institutions had leave of absence from the House for the afternoon; and,

On motion,

The House adjourned until 2 o'clock, P. M.

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2 o'clock, P. M.

The House met.

Mr. Carr of Lawrence made the following report:

MR. SPEAKER:

The committee on enrolled bills report that they have compared the enrolled with the engrossed bills and find them correctly enrolled, to-wit: bill of the House,

No. 120. Entitled an act for the relief of Wiley M. Edmonson and Sarah Ann Edmonson, his wife, late Sarah Ann Parrott;

Also bill of the House,

No. 8. Entitled an act to incorporate the Decatur county medical society;

Whereupon the Speaker signed the same.

Ordered, That the clerk carry the same to the Senate, for the signature of their President.

The following message was received from his excellency, the Governor, by Mr. Hanna, his private secretary:

MR. SPEAKER:

I am directed by his excellency, the Governor, to inform the House of Representatives that he has, on this day, approved and signed the following bills, to-wit:

No. 1. An act for the extension of the time of holding probate courts in certain counties therein named.

No. 14. An act to legalize the publication of the lands returned and remaining delinquent, and sales thereof for taxes due thereon, in the county of Shelby, for the years eighteen hundred and forty-four and five.

No. 46. An act to repeal the provisions of an act entiled "an act to amend the fourth article of the sixteenth chapter of the Revised Statutes of 1843, so far as the same relates to the counties of Washington and Jackson.

All of which originated in the House of Representatives.

December 23, 1846.

Mr. Secrest made the following report:

MR. SPEAKER:

The committee of ways and means, to whom was referred House bill No. 117, concerning the granting of licenses and permits to trave ling merchants and pedlars, have had the subject under consideration, and have directed me to report said bill back to the House, and recommend that it be indefinitely postponed.

Which report was concurred in;

And said bill indefinitely postponed.

Mr. Carnahan made the following report:

MR. SPEAKER:

The committee of ways and means, to which was referred House bill No. 109, entitled "a bill defining the duties of county treasur-

er," have, according to order, had the same under consideration, and have directed me to report the same to the House, without amendment, and recommend its passage.

Said bill was read a second time and ordered to be engrossed for a third reading.

Mr. Anthony, from a majority of the committee of ways and means, made the following report:

MR. SPEAKER:

The committee on ways and means to whom was referred House bill No. 66, (to reduce the expenses of Floyd county,) together with the instructions accompanying said bill, have had the same under consideration, and a majority of said committee are of the opinion that it would be inexpedient to make the provisions of said bill general, or to make any general reduction of the fees of clerks and sheriffs; but they have instructed me to report said bill back to the House without amendment, and recommend its passage.

The following is the bill above referred to:

No. 66. *A bill to reduce the expenses of Floyd county.*

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the treasurer for the county of Floyd shall receive, as his compensation for collecting and disbursing the county revenue of said county, including road and school tax, the sum of two hundred dollars per annum; and for collecting and paying over the State revenue he shall receive the sum of two hundred dollars per annum, and nothing more for either service, except his mileage, as allowed by law.

SEC. 2. That the auditor of Floyd county shall receive as his compensation for the services he may perform as such, the sum of three hundred dollars per annum, and no more, to be allowed him by the board doing county business for said county in quarterly allowances.

SEC. 3. All fees and charges allowed to him heretofore are hereby abolished as to said county.

SEC. 4. That it shall not be lawful for the board doing county business for said county, hereafter to allow the clerk and sheriff thereof more than seventy dollars each per annum, for extra services by them performed.

SEC. 5. That the board doing county business for said county, shall hereafter allow the assessor thereof any sum not exceeding one dollar and twenty-five cents per day for services by him performed.

SEC. 6. That all acts and parts of acts coming within the purview of this act be, and the same are hereby repealed.

Sec. 7. That this act shall take effect and be in force from and after the first day of February next.

Mr. Secrest, from the minority of said committee, made the following report:

Mr. Speaker:

The undersigned, a minority of the committee of ways and means, beg leave to report, that they are constrained, by a sense of duty, to dissent from the report of a majority of said committee on House bill No. 66, entitled a bill to reduce the expenses of Floyd county, referred to said committee with instructions to inquire into the expediency of making the law general; also into the expediency of reducing the fees of clerks and sheriffs, and, if expedient, to amend said bill accordingly.

In addition to the odious principle of partial and local legislation, recognized by said bill, the undersigned are not able to perceive how it could be considered expedient to reduce the salaries of a portion only of the county officers of Floyd county, or any other county, and inexpedient to make general reductions; it would, in their opinion, be an insult to the people of that county to say that they were less able or willing than any other county in the State to pay reasonable expenses. The undersigned recognize the just rule "that the laborer is worthy of his hire," and should be compensated in a just proportion to the amount of labor to be performed. It is believed, however, that some reduction ought to be made in the fees of the several officers enumerated in said bill and instructions; and the undersigned have therefore agreed to submit to the consideration of the House an amendment to said bill.

HENRY SECREST, *Chairman*,
GEORGE W. CARR,
M. T. CARNAHAN.

Amend by striking out all after the enacting clause and insert the following:

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter for all services to be performed by the several county auditors, and clerks of the circuit courts discharging the duties of county auditors, for which a fee of ten cents per sheet of one hundred words is now allowed by law, the said auditors and clerks discharging the duties of auditor, shall receive for such services nine cents per sheet of one hundred words; and it shall not hereafter be lawful for any county auditor, or clerk acting as such auditor, to receive any fee for the entry and transfer of land for taxation.

Sec. 2. That the fees to be allowed the county treasurers of the several counties in this State, on his settlement with the auditor for

the collection of taxes, shall be seven per centum on the first one thousand dollars; six per centum on any sum between one and two thousand dollars; five per centum on any sum between two and three thousand dollars; four per centum on any sum between three and four thousand dollars; three per centum on any sum between four and five thousand dollars; and two per centum on any sum over five thousand dollars by him collected as aforesaid.

SEC. 3. That hereafter sheriffs shall receive for the following services the fees specified in this section and no more, to-wit: For selling property on an execution, a commission of five per centum on the first two hundred dollars; and two per centum on all sums over two hundred and not exceeding one thousand dollars; and on all sums over one thousand dollars one per centum. And when the money is paid without sale, one half the above commission; Provided, however, that in no case shall such commissions exceed the sum of fifty dollars.

SEC. 4. That the fees to be allowed to the clerk of the probate courts for the services in this section specified, shall be as follows:

For all copies per sheet of one hundred words, - -	10 cents.
For letters of administration and recording and filing same, - - - - - - - - - - -	$1 00
For qualifying administrator, taking bonds, and writing certificate, - - - - - - - -	75 cents.
For recording and examining inventory or account per sheet of one hundred words, - - -	10 cents.
For recording will per sheet of one hundred words, -	10 cents.
Making complete record per sheet of one hundred words, - - - - - - - - -	10 cents.

This act to take effect and be in force from and after the first day of June next.

Mr. Secrest moved that the original bill offered by the majority of the committee be stricken out from the enacting clause, and insert the above, offered by the minority of said committee.

Mr. Holman moved to lay the bill and amendments on the table.

Which motion did not prevail.

The question then recurring on the adoption of the motion of Mr. Secrest,

Messrs. Secrest and Palmer demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Arnold, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Cassatt, Cravens, Crookshank, Deam, Decker, Dobson, Dunham, Gilleece, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Harlan, Huddleston, Huffstetter, Jones of Greene, Lewis,

Logan, Mason, May, Miller, Monk, Neal, Nofsinger, Norton, Osborn, Parks, Powell, Scott, Secrest, Shields, Sleeth, Suit, Summers, Thomas, Trimble, Wiley, Wilson, and Woodruff—46.

Those who voted in the negative are,

Messrs. Anthony, Brown, Clark, Colms, Dole, Dowling, Edwards, Ferguson, Fry, Fuller, Gordon, Griffis, Hamilton, Harvey, Hatfield, Hendricks, Hicks, Holland, Holman, Hostetter, Huff, Hull, Hunt, Jenison, Johnson, Jones of Blackford, Julian, Kerr, Lemmonds, Lutz, McCormack, Meredith, Moore, Noel, Parker, Porter, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Tackett, Tait, Tebbs, Thompson, Walker, Watts, Wise, Wolfe, Young and Mr. Speaker —50.

So said amendment was not adopted.

Mr. Secrest moved to amend the bill by striking out the "first of February next," and insert the "first of June next."

Which amendment was adopted.

And the bill as amended read a second time and ordered to be engrossed for a third reading.

Messrs. Secrest and Tackett were excused attendance on the House until Monday morning next.

On motion by Mr. Palmer,

The rules being suspended, the following message from the Senate was taken up:

Mr. Speaker:

I am instructed to report to the House that the Senate have concurred in the first three amendments of the House to Senate Bill No. 22, but do not concur in the fourth amendment.

Mr. Palmer moved that the House recede from their amendment.

Pending which,

On motion by Mr. Cassatt,

The House adjourned until to-morrow morning at 9 o'clock.

THURSDAY MORNING, December 24th, 1846.

The House met pursuant to adjournment.

The Speaker laid before the House the resignation of James P. Drake, a bank director.

Which was referred to the committee on the State Bank.

Mr. Hull moved that the amendment to the bill of the House, No. 66. A bill reducing the expenses of Floyd county,

Which was reported by the minority of the committee, be stricken from the journal of yesterday.

On this motion,

Messrs. Carr of Lawrence and Crookshank demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Cassatt, Clark, Colms, Dole, Dowling, Edwards, Ferguson, Fry, Gordon, Hamilton, Hatfield, Hendricks, Holman, Hostetter, Huff, Hull, Hunt, Meredith, Moore, Noel, Parker, Porter, Stanfield, Stewart of Laporte, Summers, Tait, Thompson, Trimble, Walker, Watts, Wise, and Woodruff—38.

Those who voted in the negative are,

Messrs. Addleman, Arnold, Brown, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Crookshank, Deam, Decker, Dobson, Gilleece, Griffis, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Harvey, Hicks, Holland, Huddleston, Huffstetter, Jenison, Johnson, Jones of Blackford, Jones of Greene, Julian, Kerr, Lemmonds, Lewis, Logan, Lutz, Mason, May, McCormack, Miller, Monk, Neal, Nofsinger, Norton, Osborn, Palmer, Parks, Powell, Sleeth, Smiley, Suit, Tackett, Tebbs, Thomas, Wiley, Wilson, Wolfe, Yaryan, Young and Mr. Speaker—58.

So said motion did not prevail.

And on further motion,

The bill reported by the majority of said committee, was ordered to be inserted in its proper place in the journal of yesterday.

On motion by Mr. Palmer,

The rules being suspended therefor, Senate bill,

No. 22. An act to amend an act entitled "An act for the relief of purchasers of canal lands," approved January 14, 1846,

Was taken up, and,

On motion by Mr. Palmer,

The amendment of the House in which the Senate refused to concur was receded from.

Ordered, That the clerk inform the Senate thereof.

Mr. Crookshank moved that the petition presented on yesterday by Mr. Yaryan relative to the abolishment of certain laws therein named, be taken from the table.

Which motion did not prevail.

Messrs. Jenison, Scott, Neal, Sleeth, Nofsinger, Young and Hatfield, were excused attendance in the House until Monday morning next.

Mr. Ferguson moved that the rules be suspended and bill of the House,

No. 153. A bill to provide for the completion of the State prison, be taken up;

Which motion prevailed;

And said bill was read a second time, and amended, on motion by Mr. Palmer, as follows:

Insert in its proper place "if he shall deem the same advisable and to the interest of the State."

And further amended, on motion by Mr. Stanfield, as follows:

Amend by striking out that part of the bill that authorizes the Governor to appoint the superintendent for said prison, and that the bill be so amended as to make it the duty of the General Assembly to fill that office.

And the bill, as amended, referred to the committee on the State Prison.

On motion by Mr. Jenison,

The following message from the Senate, which was received by Mr. Conner, a Senator, was taken up:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof:

No. 97. A bill to provide for a special session of the probate court of Hamilton county;

In which the concurrence of the House is respectfully requested.

Said bill was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Colms,

Bill of the House,

No. 81. An act for the further relief of the securities of James A. Kindle, late treasurer and collector of Madison county, Indiana;

Was taken up, and the amendments of the Senate to said bill were concurred in.

Ordered, That the clerk inform the Senate thereof.

Mr. Palmer moved to take from the table bill

No. 88. An act fixing the salary of the auditor of Miami county;

Which motion prevailed;

And said bill was read and referred to the committee on the judiciary.

Mr. Deam, on leave given, introduced bill

No. 169. An act for the improvement of the Cambridge City and Fort Wayne State road in the county of Wells;

Which was read a first time and ordered to a second reading.

By Mr. Hamilton, a petition of Hugh Sidwell and others, for the change of the name of Eliza Ann Camden;

Which was referred to a select committee of Messrs. Hamilton, Ferguson and Noel.

By Mr. Parker, a petition relative to the purchasers of Wabash and Erie canal lands;

Which was laid upon the table.

By Mr. Wiley, the petition of John Stoops asking for relief;

Which was referred to the committee on claims.

Mr. Tait made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared the enrolled with the engrossed bill No. 116, entitled "An act to change the name of Richardville county," and find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, that the clerk carry the same to the Senate for the signature of their President.

Mr. Colms made the following report:

MR. SPEAKER:

The committee on ways and means, to which was referred bill No. 38, of this House, have had the same under consideration, and directed me to report the same back to the House and recommend that the same be struck out from the enacting clause and insert the following, which is a new bill, and recommend its passage:

No. 38. A bill for the regulation of the publication of the delinquent list, in the State of Indiana,

Was read a second time and laid upon the table.

Mr. Carr of Lawrence made the following report:

MR. SPEAKER:

The committee on ways and means, to which was referred bill No 3, of the House, together with a petition on the same subject, have directed me to report the same to the House, and inasmuch as the committee have reported a bill embracing the entire subject, recommend that said bill and petition be laid upon the table.

Which report was concurred in, and said bill and petition laid on the table.

Mr. Stanfield made the following report:

Mr. Speaker:

The committee to which was referred a bill of the House, No. 127, to extend the writs of garnishee in certain cases, have had the same under consideration, and directed me to report the same back to the House and recommend its passage.

Said bill was read a second time, and,
On motion by Mr. Carnan,
Was made the order of the day for Tuesday next, 2 o'clock.
Mr. Dunham made the following report:

Mr. Speaker:

The committee on the judiciary to which was referred House bill No. 32, "An act to amend an act entitled an act to prohibit the making and issuing small notes or bills," approved January 20th, 1841, together with the amendments recommended by the committee on the State Bank, have had the same under consideration, and have instructed me to report the following amendments to said amendment, and when so amended, to recommend the adoption of such amendment, and to recommend the passage of said bill when so amended.

Strike out the second section, and insert the following:

Sec. 2. That in case of the death of any such offender against the provisions of this act, the estate of such offender shall at all times be liable to pay the holder or holders of any such bill, note, receipt, or certificate, the sum thereby promised or acknowledged, to be collected from said estate as other debts outstanding against the same are collected.

Strike out the third section, and insert the following:

Sec. 3. That any person or persons, company or corporation, who shall manufacture with intention to circulate, or to have the same put in circulation, circulate, pay, pass, or utter any such bill, note, receipt, or certificate, shall be liable to indictment for the same, and upon conviction thereof, shall be fined in any sum not less than ten dollars, nor more than five hundred dollars, for every such offence.

Strike out the fourth section.

Sec. 5. Strike out all after "twenty-five dollars" in the seventh line, and insert "nor more than five dollars."

Sec. 6. Strike out "one hundred" in the tenth line, and insert "ten," and strike out "fifth" in the thirteenth line, and insert "fourth."

Strike out the seventh section.

Strike out the eighth section, and insert:

Sec. 6. This act to take effect from and after its publication.

Change the numbers of the sections, so as to make section five section four, and section six section five.

Said bill was read a second time; and,
On motion by Mr. Edwards,
Laid on the table for the present.
Mr. Harvey made the following report:

Mr. Speaker:

The committee on the judiciary, to which was referred the petition of Michael M'Call, a contractor on the Wabash and Erie canal, praying the passage of an act to authorize the payment to him of a further sum of money, for work done on said canal, have had the same under consideration, and instructed me to report the same back to the House, and ask that said petition be referred to the standing committee on claims. And said committee ask to be discharged from the further consideration of the subject.

Which was concurred in, and said petition so referred.
Mr. Porter made the following report:

Mr. Speaker:

The judiciary committee, to which was referred bill of the House No. 130, entitled "An act to legalize the acts of the probate judge of Lagrange county," with instructions to make the provisions of the second section general, have had the same under consideration, and have directed me to report the bill back with an amendment, striking out the second section, and inserting in lieu thereof the following:

Section 2. That the several probate judges of this State shall have power, and are hereby authorized to take acknowledgments of and certify deeds, mortgages, and all other instruments of writing required by law to be acknowledged, in their respective counties, which acknowledgments, when so taken and certified by said probate judges, shall be as valid and effectual in all cases, and to the same extent, as if the same had been taken before a judge of the circuit court, or justice of the peace.

Mr. Palmer moved the following amendment:
Strike out "said," and insert "any judge" of the probate court in this State.
Which was adopted.
On motion by Mr. Ferguson,
"Masters in chancery" was also inserted in the first section, after "probate judges."
Mr. Hull moved to recommit the bill;
Which motion did not prevail.
On motion by Mr. Dunham,

"County auditors" was inserted in the first section, after "masters in chancery."

Said bill was then read a second time as amended, and ordered to be engrossed for a third reading on to-morrow.

Mr. Fuller, on leave, introduced the following resolution:

Resolved, That the use of this hall be granted to Mr. Gayler, for the purpose of giving a free lecture on the science of human magnetism, this evening.

Which was adopted.

Mr. Dunham made the following report:

Mr. Speaker:

The committee on the judiciary, to which was referred sundry petitions, asking further legislation for the protection of religious assemblies, have had the same under consideration, and have instructed me to report to the House the following bill, and to recommend its passage:

No. 170. A bill for the better protection of religious assemblies;

Was read a first time, and ordered to a second reading on to-morrow.

Mr. Julian made the following report:

Mr. Speaker:

The judiciary committee, to whom was referred resolution of the House No. 44, directing an inquiry into the expediency of so amending the estray law as to make some disposition of the increase of stock, have had that subject under consideration, and direct me to report that, in their opinion, any further legislation on the subject is inexpedient; and the committee ask to be discharged.

Which was concurred in.

Mr. Porter made the following report:

Mr. Speaker:

The judiciary committee, to which was referred a resolution of the House, instructing them to inquire whether or not the fees and salaries of county auditors, clerks, and recorders, in general, ought not to be reduced, have had that subject under consideration, and have directed me to report, that the same subject has heretofore been referred to them for their consideration, and that they gave the subject as full a consideration as time and circumstances would permit, and came to the conclusion that legislation thereon at this time is unnecessary; and they direct me now to report that in their opinion any general legislation on the subject is at this time unnecessary.

and they ask to be discharged from the further consideration of the subject.

Which was,
On motion by Mr. Thompson,
Laid on the table.
Mr. Hunt made the following report:

Mr. Speaker:

The committee on education, to whom was referred a resolution of the House instructing said committee to inquire into the expediency of providing by law for the distribution of the school funds of every kind and description, in each county, among the several congressional townships in said county respectively, have considered the subject, and directed me to report that it is inexpedient to legislate upon that subject.

Which was concurred in.
Mr. Hunt made the following report:

Mr. Speaker:

The committee on education, to whom was referred a resolution of the House, instructing said committee "to inquire into the expediency of amending the school law, so as to make purchasers of school lands, in case of forfeiture for non-payment, liable for damages done to said lands, by destroying or removing timber, stone, or valuable materials," have had that subject under consideration, and directed me to report that the object contemplated by the aforesaid resolution, is already provided for by the law now in force, and that further legislation on the subject is unnecessary.

Which was concurred in.
Mr. Hunt made the following report:

Mr. Speaker:

The committee on education, to whom was referred a resolution of the House instructing said committee to inquire into the expediency of making an equal distribution of the funds arising from the school lands, between the counties, according to the number of white children between the ages of five and twenty-one, have considered the subject, and directed me to report, that the object of said resolution cannot be attained without an entire derangement of the present school system; and the committee, therefore, ask to be discharged from further consideration of the subject.

Which report was concurred in.
Mr. Hunt made the following report:

Mr. Speaker:

The committee on education, to whom was referred the petition of sundry citizens of the county of Cass, praying the Legislature "to so amend the law as to give the whole control of the school funds to three trustees for each respective township," have had that subject under consideration, and directed me to report that it is inexpedient to grant the prayer of said petitioners.

Which report was concurred in.
Mr. Hunt made the following report:

Mr. Speaker:

The committee on education, to whom was referred a resolution of the House, No. 20, instructing said committee to inquire into the expediency of so amending the school laws as "to place the funds for school purposes in the hands of township trustees, of the several counties in this State, to loan at interest, as other school funds are loaned," have considered the subject, and directed me to report that it is inexpedient to legislate upon that subject.

Which report was concurred in.
Mr. Hunt made the following report:

Mr. Speaker:

The committee on education, to whom was referred a resolution of the House, No. 33, instructing said committee to "inquire into the expediency of so amending the school law as to do away with the township trustees, where the districts are organized," have considered the subject, and direted me to report that it is inexpedient to legislate upon that subject.

Which report was not concurred in.
Mr. Meredith made the following report:

Mr. Speaker:

The committee on roads, to whom was referred House bill No. 139, have had the same under consideration, and direct me to report the same back to the House and recommend its passage; and the committee ask to be discharged from the subject.

No. 139. A bill to establish a state road in the county of Dearborn;

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Meredith made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred House bill No. 138, have had the same under consideration, and direct me to report the bill back to the House and recommend its passage; and the committee ask to be discharged from the further consideration of the subject.

No. 138. A bill to locate a state road in Randolph and Wayne counties;

Was read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Meredith made the following report:

MR. SPEAKER:

The commitee on roads, to whom was referred the petition of John House, and others, praying for the location of a State road in Carroll county, have had the same under consideration, and direct me to report a bill for the location of said road, and the committee ask to be discharged from the subject.

No. 171. A bill to relocate a portion of the State road in Carroll county;

Was read first time and ordered to a second reading on to-morrow.

Mr. Meredith made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred the petition of William Smith, and others, praying the location of a State road in Carroll county, have had the same under consideration, and direct me to report a bill for the location of said road; and the committee ask to be discharged from the further consideration of the subject.

No. 172. A bill to relocate a portion of the State road in Carroll county;

Was read a first time and ordered to a second reading on to-morrow.

Mr. Dole made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred bill of the House No. 98, together with the report of J. H. Sprague, engineer, relating thereto, have had the subject under consideration, and have directed me to report the following amendment to the bill, and recommend its passage;

Strike out "four thousand, nine hundred and seventy-six dollars and nineteen cents," and insert "three thousand, two hundred and eighty-four dollars and two cents."

Which amendment was concurred in, and said bill,

No. 98. A bill making an appropriation to pay J. R. Morelege, a contractor on the Madison and Indianapolis Railroad;

Was read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Porter made the following report:

MR. SPEAKER:

The committee on corporations, to which was referred a bill of the House, No. 95, entitled "an act to incorporate the Delphi Manufacturing Company," have had said bill under consideration, aud have directed me to report the same back to the House without amendment, and recommend its passage.

Said bill was read a second time and ordered to be engrossed for a third reading.

Mr. Wilson made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred bill No. 106, to amend the charter of the Hagerstown canal company and legalize their acts, have had the same under consideration, and directed me to report the same back to the House, without amendment, and recommend its passage, and ask to be discharged from the further consideration thereof.

Said bill was read a second time, and ordered to be engrossed for a third reading.

Mr. Harlan made the following report:

MR. SPEAKER:

The committee on corporations, to which was referred bill of the

House, No. 18, a bill to incorporate the town of Mount Vernon, have had the same under consideration, and directed me to report the same back to the House, without amendment, and recommend its passage.

Said bill was read a second time, when

Mr. Harlan moved to amend, in its proper place, the following:

Strike out "householder and freeholder" and insert "any qualified elector."

Which amendment was not adopted.

Mr. Harlan moved to amend as follows:

Sec. 27. All actions and judicial proceedings contemplated by this act, either by or against said corporation, shall be commenced in any justice's court within the county of Posey, if it be a matter over which the justice can, by the laws of this State now in force, take cognizance of, if not, then in the proper circuit court of said county.

Which amendment was not adopted.

Said bill was read a second time and ordered to be engrossed for a third reading.

Mr. Cassatt, on leave, offered the following:

Resolved, That when this House adjourns, it will adjourn until Monday morning next.

Which was laid upon the table.

Mr. Stewart of Fayette made the following report:

Mr. Speaker:

The committee on trust funds, to which was referred bill No. 11, of the House, have instructed me to report the enclosed, which is a new bill, in lieu of the one referred, and ask its passage.

Said amendment was adopted.

On motion by Mr. Moore,

The same was laid upon the table.

On motion by Mr. Wise,

The House adjourned until 2 o'clock, P. M.

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2 *o'clock*, *P. M.*

House met.

The Speaker laid before the House the report of the State Librarian;

Which was laid upon the table and five hundred copies ordered to be printed.

Mr. Miller moved to take from the table bill No. 11, a bill relative to loaning school funds;

Which motion prevailed.

Mr. Porter offered the following as an amendment:

Sec. 2. That all persons now having loans of the school and surplus revenue funds upon personal security, shall be entitled to hold the same for the term of five years, from and after the first day of January, 1847, by rendering their notes with two or more good and sufficient sureties to the acceptance of the auditor or other person having charge of said funds, or by giving mortgage security at their option.

Sec. 3. In all cases of loans on personal security, if the auditor, or other person having charge of said fund, shall become dissatisfied with the securities to any note on account of their insufficiency, or have reason to believe that said fund is in danger of being lost by reason of insufficient security, and before said note becomes due, he shall give the borrower of said money notice of that fact, and require him to give further and additional security to the acceptance of the auditor, and if the borrower shall fail or refuse to give said further security within ten days from the time of said notice, said note may be considered as due by the auditor, and suit may be brought thereon immediately: *Provided*, That when money is loaned on personal security, such loans shall be renewed annually.

Mr. Palmer offered the following as an amendment to the amendment:

Provided, That it shall be the duty of the board doing county business in the several counties in this State semi-annually to examine the situation of the several loans of the said funds made on personal security, and if in the opinion of said board the security therefor is not ample, or has in any way become impaired, the said board shall require such additional security as shall be satisfactory to said board, and on failure so to give such additional security, the said loan shall be considered due.

Pending the question of the adoption of the above,

On motion by Mr. Hicks,

The bill, with the amendments, was recommitted to the committee on trust funds.

Mr. Fuller, on leave being granted therefor, presented a petition in relation to the disputed territory between the counties of Warrick and Gibson;

Which was referred to the same select committee to whom a former petition on that subject was referred.

Mr. Hanna, on leave being granted therefor, presented a petition relative to the forming of a new county out of the counties of Carroll, Clinton and others;

Which was referred to the select committee who have that subject under consideration.

Mr. Watts made the following report:

MR. SPEAKER:

The committee on benevolent and scientific institutions, to whom was referred a resolution of the House instructing them to inquire into the causes that led to the recent withdrawal or discharge of Mrs. Mary A. W. Johnson, as Matron, from the State deaf and dumb institution, located in this city, with power to send for persons and papers, if found necessary, and report to this House, that justice may be done the parties interested, have had the same under consideration, and directed me to report that the subject matter of said resolution is properly cognizable before the trustees of said institution, and that it is at present inexpedient to institute any investigation under said resolution, and ask to be discharged from its further consideration.

Which was concurred in.

Mr. Watts made the following report:

MR. SPEAKER:

The committee on benevolent and scientific institutions to whom was referred bill No. 67, "An act fixing the time for the report of the trustees of the Indiana Asylum for educating the deaf and dumb," have had the same under consideration and report it back to the House without amendment, and recommend its passage.

Said bill was read a second time and ordered to be engrossed for a third reading.

Mr. Dobson made the following report:

MR. SPEAKER:

The select committee to whom was referred bill of the House No. 123, have have the same under consideration, and have instructed me to report the same back to the House with one amendment, and recommend its passage.

Add a section to said bill as follows:

"SEC. 5. This act to be in force from and after its passage."

Which amendment was adopted.

And said bill as amended ordered to be engrossed for a third reading.

Mr. Parks made the following report:

MR. SPEAKER:

The select committee to whom was referred bill of the House No.

103, have had the same under consideration, and have directed me to report the same back to the House with this amendment.

Strike out all after the enacting clause and insert the following, which is a new bill, and recommend its passage, and ask to be discharged from further consideration thereof.

Which amendment was adopted.

And said bill ordered to be engrossed for a third reading.

Mr. Harding made the following report:

Mr. Speaker:

The select committee to whom was referred the petition of John Cowen and others, in relation to the leases, to different individuals, of the surplus water, not required for the purpose of navigation, at the upper and lower basin at Indianapolis, on the Central Canal, have had that subject under consideration, and respectfully ask leave to report:

That from the testimony before the committee it appears that quite a number of leases have been granted to various individuals, and that some of the stipulations of the contracts have not been complied with on the part of the State. The contracts are in writing, and specify that the agent or engineer of the canal shall specify and endorse on the back of the contract, in writing, how much water each lessee may use; but this provision of the contracts has never been complied with; consequently some of the lessees use more water than they are entitled to, while others, at times, are deprived of the use of it altogether. The committee are also satisfied that if the matter was properly superintended or conducted, that there would be an abundance of water to supply all the lessees according to their contracts, and perhaps others; but in the present condition of things there is not a sufficiency of water to supply a part of the lessees, as specified in their contracts, some of whom are now not more than half supplied. The committee are also satisfied that the dams or wiers on the canal are very improperly constructed, so much so that some of the lessees have decided advantages over others. There is also a kind of grass which grows in some portions of the canal that obstructs the free passage of the water in the summer and fall seasons, which ought to be removed and cleared out. The committee are also informed, and have good reason to believe, that the rents of the water power of said canal at present do not amount to anything, but if properly managed would yield to the State a revenue of about one thousand to fifteen hundred dollars. The committee, therefore, herewith submit the following bill, and respectfully recommend its passage.

No. 173. An act to amend an act in relation to the northern division of the Central Canal, approved January 13, 1846.

Was read a first time and ordered to a second reading.
Mr. Suit made the following report:

Mr. Speaker:

The select committee to whom was referred bill No. 86, "An act to extend the benefit of a certain act therein named to the counties of Clinton and Carroll," have had the same under consideration and have directed me to report the following bill as a substitute for the bill and amendment, and recommend its passage.

Which amendment was adopted, and the bill as amended ordered to be engrossed for a third reading.
Mr. Miller made the following report:

Mr. Speaker:

The select committee to whom was referred the petition of James Kitchens, of the county of Gibson, asking relief, have had the same under consideration, and directed me to report the following bill:
No. 174. An act for the relief of James Kitchens of Gibson county.

Which was read a first time and ordered to a second reading.
Mr. Jones of Blackford, made the following report:

Mr. Speaker:

The select committee to whom was referred bill of the House No. 96, have had the same under consideration, and have directed me to report the same with the following amendments:
1st. In the preamble, after the word Blackford, insert the word Kosciusko.
2d. In section three strike out all that part which relates to justice of the peace.

Which amendments were adopted.
And said bill read a third time and passed.
Ordered, That the clerk inform the Senate thereof.
Mr. Harlan made the following report:

Mr. Speaker:

The select committee to whom was referred the petition of David Stanfield and others praying for a State road in the counties of Grant and Madison, have had that subject under consideration and directed me to report the following bill, and recommend its passage.

No. 176. An act to locate a State road in the counties of Grant and Madison.

Which was read a first time and ordered to a second reading.

Mr. Balding made the following report:

Mr. Speaker:

The committee to whom was referred bill No. 94, have had the subject under consideration and do report the following amendment:

Strike out all after the enacting clause and insert the following:

Section 1. That Sylvester P. Morgan be, and he is hereby allowed the sum of twenty-three dollars and sixteen cents for time and expenses incurred in arresting and securing Silas Doty, a fugitive from the county of Steuben, in this State, to be paid out of any moneys in the State Treasury not otherwise appropriated.

Sec. 2. That William Lee be, and he is hereby allowed the sum of sixty-five dollars and fifty-seven cents for his time and expenses incurred in assisting in the removal of said Doty from Louisville, Kentucky, to Steuben county in this State, to be paid out of any moneys in the State Treasury not otherwise appropriated.

Sec. 3. This act to be in force from and after its passage.

Which amendment was adopted.

And said bill ordered to be engrossed for a third reading.

Mr. Tait made the following report:

Mr. Speaker:

The committee on enrolled bills have compared the enrolled with the engrossed bill, No. 81, entitled "An act for the further relief of the securities of James A. Kindle, late treasurer and collector of Madison county, Indiana, and find it correctly enrolled.

Whereupon, the Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

Mr. Harlan offered the following:

Resolved, That the committee on education be instructed to inquire into the expediency of withdrawing and setting apart from time to time so much of the moneys belonging to the common school fund as may be necessary to procure the publication and distribution of a regular and uniform set and system of books, to be used in all the public schools of this State. Said money shall be withdrawn in proportion to the amount of said fund in each county, and report by bill or otherwise.

Which was not adopted.

Mr. Wise offered the following:

Resolved, That the committee on military affairs be instructed to inquire into the expediency of providing in a bill to be by them reported, that persons only over the age of twenty-one years and under thirty-five years, shall be required to do military duty.

Which was laid on the table.

Mr. Parks offered the following:

Whereas, on the 18th inst., this House, by unanimous consent, passed two resolutions in relation to the common council of the city of Indianapolis, by their ordinance entitled "An amendment to chapter nine, on the subject of nuisances," approved December 12, 1846.

And whereas, this House did not duly appreciate the causes which gave rise to the same, and do not believe in giving a precedent to hasty resentment and precipitate legislation,

Be it resolved, That the said resolutions and amendment be taken from the journal of this House.

Which was laid on the table.

On motion by Mr. Thompson,

Resolved, That the judiciary committee be requested to inquire into the expediency of an enactment for a suit upon the part of females for divorces in the circuit courts free of costs, and making it the duty of prosecutors in the respective counties to advocate, instead of opposing such causes as is now provided by law.

Mr. Arnold offered the following:

Resolved, That the committee on the judiciary be instructed to report to this House at as early a period as practicable, a bill extending the jurisdiction of justices of the peace and giving to them exclusive jurisdiction in all cases of a criminal nature where they now by law have a concurrent jurisdiction, giving to the parties in all such cases the right of appeal to the circuit court.

Which was laid upon the table.

On motion by Mr. Shields,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of securing by law to married women the property both real and personal they may have been entitled to at the time of their marriage, and all property they may acquire after their marriage by gift or inheritance, and to report by bill or otherwise.

Mr. Wiley offered the following:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of establishing by law houses of refuge for minor offenders, and report by bill or otherwise.

Which was laid on the table.

On motion by Mr. Miller,

Resolved, That the committee on education be instructed to inquire into the expediency of amending the 77th, 85th and 87th sections of article 5, chapter 15, of the school law, that hereafter the interest arising from the surplus revenue fund and the interest due any township for interest received on its common school fund board

by the school commissioner, that it shall be divided annually on the first Monday in September, with leave to report by bill or otherwise.

Mr. Carr of Lawrence offered the following:

Resolved, That the House will take up the orders of the day at 2 o'clock, P. M., on each day during the remainder of the session, unless the same shall be reached at an earlier hour by the regular order of business.

Which was laid on the table.

Mr. Noel, on leave given, introduced the remonstrance of a large number of citizens of the town of Indianapolis, against the repeal of the town corporation.

Which was referred to the select committee who have that subject under consideration.

JOINT RESOLUTIONS INTRODUCED.

By Mr. Moore,

No. 176. A joint resolution relative to the Cumberland road.

By Mr. Mason:

No. 177. A joint resolution in relation to actual settlers on Congress lands.

Which were each read a first time and ordered to a second reading.

BILLS INTRODUCED.

By Mr. Palmer:

No. 178. A bill to incorporate the Logansport and Wabash free bridge company.

By Mr. Holland:

Ho. 179. A bill in relation to divorces in the circuit court.

By Mr. Griffis:

No. 180. An act to legalize the official acts of Solomon M. Semans, a justice of the peace of White River township, Randolph county.

By Mr. Harvey:

No. 181. An act for the protection of the property of married women.

By Mr. Holland:

No. 182. A bill regulating fees of jurors and witnesses before justices of the peace.

By Mr. Monk:

No. 183. A bill transferring the duties of school commissioner in Crawford county, to the county treasurer of said county.

By Mr. Stanfield:

No. 184. An act amendatory of an act entitled "an act for the

relief of James S. Mayes, late school commissioner of Knox county," approved January 20, 1846.

By Mr. Hendricks:

No. 185. A bill to incorporate the trustees of the Underwood burying ground.

By Mr. Powell:

No. 186. An act to provide for the recording of bonds and letters of guardianship.

By Mr. Colms:

No. 187. An act to incorporate the Kosciusko Medical Society.

By Mr. Watts:

No. 188. A bill to change the name of Anna James, to that of Anna Churchman;

Which were each read a first time, and ordered to a second reading.

ORDERS OF THE DAY.

Senate bill,

No. 24. A bill providing for the payment of damages assessed, or to be assessed, for private property, taken for public use in the construction of the Wabash and Erie canal;

Was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

HOUSE BILLS ON THEIR THIRD READING.

No. 7. An act in relation to county roads;

Was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

BILLS ON SECOND READING.

Senate bill,

No. 19. An act to incorporate Anderson's Collegiate Institute;

Was read a second time, and referred to the committee on corporations.

Senate bill,

No. 35. A bill to provide for the election of township assessors in certain counties therein named, and defining their duties;

Was read a second time,

When Mr. Watts moved to amend by striking out wherever it occurs, "fifty cents" and insert "twenty-five."

Pending which,

The bill was laid upon the table.

Bill of the House,

No. 15. An act to amend an act entitled "an act fixing the time

of holding the courts in the ninth judicial circuit, approved January 19th, 1846;

Was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Parker moved that the House do now adjourn until Saturday morning, 9 o'clock.

Messrs. Carr of Lawrence and Holland demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Brown, Balding, Battell, Cassatt, Clark, Dole, Dowling, Edwards, Fry, Fuller, Gordon, Hicks, Meredith, Miller, Moore, Noel, Parker, Porter, Stanfield, Stewart of Fayette, Stewart of Laporte, Thompson, Walker, Watts, Wilson, Woodruff, and Mr. Speaker—28.

Those who voted in the negative are,

Messrs. Anthony, Arnold, Carr of Clark, Carr of Lawrence, Carnahan, Colms, Deam, Decker, Dobson, Dunham, Ferguson, Gilleece, Griffis, Greene, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Harlan, Harvey, Hendricks, Holland, Holman, Huddleston, Huff, Huffstetter, Hall, Hunt, Johnson, Jones of Blackford, Jones of Greene, Julian, Kerr, Lemmonds, Lewis, Logan, Lutz, Mason, May, McCormack, Monk, Norton, Osborn, Palmer, Parks, Powell, Shields, Smiley, Suit, Summers, Tait, Tebbs, Thomas, Wiley, Wise, Wolf, and Yaryan—58.

So said motion did not prevail.

Mr. Thompson then renewed the motion to adjourn until Saturday morning next.

On this motion,

Messrs. Carr of Lawrence and Parker demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Brown, Balding, Battell, Cassatt, Clark, Dole, Dowling, Edwards, Fry, Fuller, Gordon, Hendricks, Hicks, Hull, Kerr, Miller, Noel, Porter, Stanfield, Stewart of Fayette, Stewart of Laporte, Thompson, Watts, Wilson, Wise, Woodruff, and Mr. Speaker—28.

Those who voted in the negative are,

Messrs. Anthony, Arnold, Carr of Clark, Carr of Lawrence, Carnahan, Colms, Deam, Decker, Dobson, Dunham, Ferguson, Gilleece, Griffis, Green, Hall of Posey, Hall of Warren, Hamilton, Hanna,

Harding, Harlan, Harvey, Holland, Holman, Huddleston, Huff, Huffstetter, Hunt, Johnson, Jones of Blackford, Jones of Greene, Julian, Lemmonds, Lewis, Logan, Mason, May, McCormack, Meredith, Monk, Moore, Norton, Osborn, Palmer, Parker, Parks, Powell, Shields, Smiley, Suit, Summers, Tait, Tebbs, Thomas, Wiley, Wolf, and Yaryan—56.

So said motion did not prevail.

Mr. Colms moved that the House do now adjourn until to-morrow morning, 9 o'clock.

And on this motion,

Messrs. Colms and Dole demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Arnold, Battell, Carr of Lawrence, Carnahan, Colms, Deam, Decker, Dobson, Dunham, Ferguson, Fry, Fuller, Gilleece, Gordon, Hall of Posey, Hall of Warren, Hamilton, Harding, Harvey, Hendricks, Holland, Huddleston, Huff, Huffstetter, Hull, Hunt, Johnson, Jones of Blackford, Jones of Greene, Julian, Lewis, Lutz, Mason, May, McCormack, Monk, Norton, Osborn, Parks, Powell, Shields, Stewart of Fayette, Suit, Summers, Tait, Tebbs, Thomas, Thompson, Wiley, Wilson, Wolfe, and Mr. Speaker—53.

Those who voted in the negative are,

Messrs. Addleman, Brown, Balding, Carr of Clark, Clark, Dole, Dowling, Edwards, Griffis, Green, Hanna, Harlan, Hicks, Holman, Kerr, Lemmonds, Logan, Meredith, Miller, Moore, Noel, Palmer, Parker, Porter, Smiley, Stewart of Laporte, Watts, Wise, Woodruff, Yaryan—30.

So the House adjourned until to-morrow morning, 9 o'clock.

FRIDAY MORNING, December 25, 1846.

The House met pursuant to adjournment.

Mr. Edwards moved a call of the House, which was seconded, and,

On motion,

Messrs. Cravens, Lutz, Battell, Cassatt, and Trimble were excused attendance for the present, when,

On motion by Mr. Palmer,
The further call was suspended.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Lewis, the petition of Samuel Mills, on the subject of certificates of examiners of common school teachers;

Which was referred to the committee on education.

By Mr. Miller, the petition of James M. Ricketts and others, of Gibson county, praying to be attached to the county of Warrick;

Which was referred to the same select committee to whom other petitions on that subject were referred.

Mr. Harlan made the following report:

Mr. Speaker:

The select committee to which was referred the petition of Thomas Dean and others, praying the erection of a mill dam across the Mississinnewa river, in Grant county, have had that subject under consideration, and directed me to report the following bill, and recommend its passage.

No. 189. A bill to authorize Gabriel Johnson to build a mill dam across the Mississinnewa river.

Was read a first time, and ordered to a second reading on to-morrow.

Mr. Noel offered the following resolution,

Resolved, That the use of this Hall be granted to Mrs. Irwing, on Monday evening next, for the purpose of giving a concert of instrumental and vocal music;

Which was, on motion, laid on the table.

Mr. Julian offered the following preamble and resolution.

Whereas, This House, by its vote of last evening against an adjournment until to-morrow morning, has borne ample testimony to the industrious habits of the members thereof: And Whereas, it is believed that by such vote the claims of Buncombe have been fully satisfied; therefore,

Be it resolved, That this House now adjourn until to-morrow morning 9 o'clock.

Mr. Colms moved to lay said preamble and resolution on the table;

Which motion did not prevail.

Mr. Powell moved its indefinite postponement;

Which motion did not prevail.

The question then recurring on the adoption of the resolution,

Messrs. Colms and Parker thereupon demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Brown, Balding, Clark, Decker, Dowling, Edwards, Fry, Harding, Hull, Julian, Miller, Noel, Palmer, Porter, Stanfield, Stewart of Fayette, Stewart of Laporte, Tebbs, Wilson, Woodruff, and Mr. Speaker—22.

Those who voted in the negative are,

Messrs. Arnold, Carr of Clark, Carr of Lawrence, Carnahan, Colms, Crookshank, Deam, Dole, Ferguson, Fuller, Gilleece, Gordon, Griffis, Green, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harlan, Harvey, Hendricks, Hicks, Holland, Huddleston, Huff, Huffstetter, Hunt, Johnson, Jones of Blackford, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Mason, May, McCormack, Meredith, Monk, Norton, Osborn, Parker, Parks, Powell, Shields, Smiley, Suit, Summers, Tait, Thomas, Thompson, Walker, Watts, Wiley, Wise, Wolfe, Yaryan, and Young—58.

So said resolution was not adopted.

Mr. Walker, on leave granted therefor, introduced the followlng bill:

No. 190. An act dissolving the bans of matrimony between David Raleigh and Jane Raleigh;

Which was rejected by the House.

On motion by Mr. Yaryan,

Resolved, That the committee on ways and means be instructed to inquire whether the act entitled, "an act the better to secure the payment of the revenue into the State Treasury in such funds as are collected by the county treasurers," approved January 15, 1844, is not now unnecessary, and might be repealed.

Mr. Harlan offered the following.

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the laws of this State, as to abolish capital punishment for any offence, and in all cases whatsoever.

Which was not adopted.

BILLS INTRODUCED.

By Mr. Huff:

No. 191. A bill in relation to county treasurers;

By Mr. Watts:

No. 192. A bill authorizing deeds in certain cases to be made;

By Mr. Hall of Warren:

No. 193. A bill to abolish the taking of depositions in chancery;

Were each read a first time, and ordered to a second reading on to-morrow.

On motion by Mr. Dowling,

Resolved, That, as this day is the 1846th anniversary of the birth

of the Saviour of mankind, the members of this House do now, by consent, unanimously adjourn over till to-morrow, out of respect to the day, and to the time-honored observance of it by our ancestors.

Thereupon, the House adjourned until to-morrow morning at 9 o'clock.

SATURDAY MORNING, December 26, 1846.

The House met pursuant to adjournment.

PETITIONS &c. PRESENTED.

By Mr. Hanna, the remonstrances of Thomas M. Curry and others;

Which was referred to the committee on roads.

By Mr. Lewis, the petition of Samuel Mills and others, for the relief of George M. Knighton;

Which was referred to the committee on scientific and benevolent institutions.

By Mr. Tait, the petition of sundry citizens of Switzerland county, in regard to the duties and jurisdiction of justices of the peace in said county;

Which was referred to a select committee of Messrs. Tait, Hamilton, and Miller.

By Mr. Deam, the petition of the board of county commissioners of the county of Adams, praying the passage of a law legalizing certain acts of said board.

Which was referred to a select committee of Messrs. Deam, Parker, and Brown.

By Mr. Hendricks, the petition of the trustees of the town of Vernon, Jennings county, praying the passage of a law legalizing their proceedings;

Which was referred to a select committee of Messrs. Hendricks, Arnold, and Harvey.

By Mr. Miller, the remonstrance of Jacob Shelton and others, citizens of Gibson county, against being attached to Warrick county;

Which was referred to the same select committee who have that subject under consideration.

By Mr. Hull, a petition for the passage of more efficient laws in regard to the protection of camp meetings; which was,

On motion,

Laid on the table.

Mr. Watts moved to take from the table the reports of the trustees of the insane, blind, and deaf and dumb institutions of the State of Indiana;

Which motion prevailed;

An said reports were,

On motion by Mr. Watts,

Referred to the committee on scientific and benevolent institutions.

Mr. Colms moved to take from the table bill of the House,

No. 38. An act for the regulation of the publication of the delinquent lists in the State of Indiana;

Which motion prevailed.

Said bill was then laid on the table, and two hundred copies ordered to be printed.

The Speaker laid before the House the communication of Charles Butler, agent for the foreign bondholders, containing an amended bill, together with the correspondence relative to the subject of the State debt;

Which was laid upon the table and five hundred copies of the bill, and one thousand of the accompanying documents ordered to be printed.

Mr. Hunt made the following report:

MR. SPEAKER:

The committee on education, to whom was referred a resolution of the House, instructing said committee to inquire into the expediency of exempting "all property, real and personal, belonging to universities, seminaries, schools, and other public buildings" in this State, from taxation, have considered the subject, and directed me to report the following bill, and recommend its passage:

No. 194. An act to amend the fifth section of chapter twelve of Revised Statutes of 1843;

Was read a first time and ordered to a second reading on to-morrow.

Mr. Ferguson made the following report:

MR. SPEAKER:

The committee on the affairs of the State Prison, to which was referred bill of the House No. 153, have had the same under consideration, and have directed me to report the following amendment thereto, and recommend its adoption by the House.

"Strike out from the enacting clause and insert the following:"

Which is a new bill.

Mr. Palmer offered the following amendment;

Add to second section, "if he shall deem the same advisable, and to the interest of the State;"

Which was not adopted.

Said amendment of the committee was concurred in;

And said bill,

No. 153. A bill to provide for the completion of the State Prison,

Was read a second and third times, the rules being suspended therefor, and on its passage, Messrs. Palmer and Holman demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Brown, Balding, Battell, Carr of Clark, Carr of Lawrence, Clark, Colms, Cravens, Deam, Dobson, Dole, Dowling, Edwards, Ferguson, Fuller, Gilleece, Gordon, Griffis, Green, Hall of Warren, Hall of Posey, Hamilton, Hanna, Harding, Harlan, Harvey, Hendricks, Hicks, Holland, Huddleston, Huff, Hufstetter, Hunt, Johnson, Jones of Blackford, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, May, McCormack, Meredith, Miller, Monk, Moore, Noel, Norton, Osborn, Parker, Porter, Powell, Shields, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tait, Tebbs, Thomas, Thompson, Walker, Watts, Wiley, Wise, Wolfe, Woodruff, Young, and Mr. Speaker—74.

Those who voted in the negative are,

Messrs. Arnold, Dunham, Holman, Julian, Palmer, Parks, Wilson, and Yaryan—8.

So said bill was passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Meredith made the following report:

Mr. Speaker:

The committee on roads, to whom was referred the petition of Joseph May and others, of Randolph and Wayne counties, have had the same under consideration, and direct me to report a bill for the location of said road; and the committee ask to be discharged from the further consideration of the subject.

No. 10. A bill to locate a State road in Randolph and Wayne counties;

Was read a first time and ordered to a second reading on to-morrow.

Mr. Cravens, from the committee on the State Bank, reported the following resolution:

Resolved, That this House will, the Senate consenting, proceed, on Tuesday next, at 10 o'clock, A. M., to elect a State Bank Director, to fill the vacancy created by the resignation of James P. Drake.

Which was adopted.

Mr. Wilson made the following report:

MR. SPEAKER:

The select committee, to whom was referred a petition of sundry citizens of Noble county, in this State, praying for the passage of an act to authorize Jonathan W. Elliott to build a dam and use the water power known as the Mount Pleasant Mills, in said county, which the said State took from the said Elliott, for canal purposes, have had the same under consideration, and have directed me to report the following bill, and recommend its passage; and ask to be discharged from the further consideration of the same.

No. 196. A bill to authorize Jonathan W. Elliott to use the water power at the Mount Pleasant Mills, in Noble county;

Was read a first time and ordered to a second reading on to-morrow.

On motion by Mr. Carr of Lawrence,

The following resolution was taken from the table and adopted:

Resolved, That the House will take up the orders of the day at two o'clock, P. M., on each day during the remainder of the session, unless the same shall be reached at an earlier hour in the day by the regular order of business.

On motion by Mr. Holland,

Resolved, That the committee on education be, and they are hereby, instructed to inquire into the expediency of so amending the school law as to create a superintendent of common schools, whose duty it shall be to examine into the condition of the schools of some of the older states, by correspondence, travel, and personal inspection, and to report the result thereof, and the condition of our schools, school funds, and any amendments necessary to be made to our system of common schools, and such other and further information as would further and promote common school education in Indiana, to the next session of the Legislature.

Mr. Harlan introduced the following:

Resolved, That the judiciary committee be requested to inquire into the expediency of so amending the present law as to allow witnesses in justices courts mileage; and report by bill or otherwise.

Which was not adopted.

On motion by Mr. Dunham,

Resolved, That the committee on education be instructed to inquire

into the expediency of so amending the school laws as to authorize any petitioner or petitioners for a division of any school district, to appeal from the decision of the township trustees to the county board of the proper county; and to report by bill or otherwise.

Mr. Parker offered the following:

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the school laws as to allow the respective townships to manage and control their own school funds, with leave to report by bill or otherwise.

Which was not adopted.

On motion by Mr. Johnson,

Resolved, That the Secretary of State be requested to lay before the House, at as early a day as practicable, the number of votes polled in each county in the State at the last August election, together with the number of votes cast in each county for a convention, and the number of votes in each county against a convention. Also report to this House the names of those counties that have not made any return of such vote taken at such election.

The following message was received from the Senate by Mr. Jones, their secretary.

Mr. Speaker:

I am directed by the Senate to inform the House that the following engrossed bill of the House has passed the Senate without amendment:

No. 116. A bill to change the name of Richardville county.

Mr. Woodruff offered the following:

Resolved, That the committee on agriculture be instructed to inquire into the expediency of so amending the 54th and 55th section of article 5th chapter 12, as requires the county treasurer to attend at the place of holding elections for the purpose of collecting taxes, be repealed, and that the treasurer be required to hold his office at the seat of justice, from the time of receiving his duplicate, and that they report by bill or otherwise.

Which was not adopted.

On motion by Mr. Monk,

Resolved, That the committee on military affairs be requested to inquire into the expediency of revising and amending the militia law so as to compel officers and soldiers to do their duty according to rank, and report by bill or otherwise.

Mr. Summers offered the following:

Resolved, That when this House adjourn it will adjourn until Monday morning 9 o'clock.

Which was not adopted.

The following message was received from the Senate by Mr. Jones, their secretary.

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the President has signed

No. 22. A bill of the Senate to amend an act, entitled "An act for the relief of purchasers of canal lands."

Which I am directed to bring to the House for the signature of the Speaker thereof.

Also the following message from the Senate by Mr. Jones, their secretary.

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate have reciprocated the resolution of the House, providing for going into the election of State Bank Director on Tuesday next at 10 o'clock, A. M., to fill the vacancy occasioned by the resignation of James P. Drake.

BILLS INTRODUCED.

By Mr. Lewis:

No. 197. An act to incorporate the "Institute of Fine Arts" at Bowling Green, Clay county, Indiana.

By Mr. Yaryan:

No. 198. An act requiring the Indiana Mutual Fire Insurance Company to report to the Legislature.

By Mr. Griffis:

No. 199. An act for the relief of Dempsey Linton of Randolph county.

By Mr. Edwards:

No. 200. A bill to amend section 34 of article 5, chapter 12, of Revised Laws of 1843.

By Mr. Green:

No. 201. A bill to amend the 103d section of the 4th article of the 16th chapter of the Revised Statutes of 1843.

By Mr. Porter:

No. 202. A bill to amend chapter one of the Revised Statutes of 1843.

By Mr. Hicks:

No. 203. A bill to authorize the Johnson circuit court to hold adjourned sessions thereof.

By Mr. Wiley:

No. 204. An act the better to preserve the health of the inhabitants residing along the canals in this State.

By Mr. Miller:

No. 205. A bill for the improvement of the river Patoka, in Gibson county.

Which were each read a first time and ordered to a second reading.

Mr. Harlan moved to take from the table bill of the Senate,

No. 13. A bill to repeal certain special laws in force in the 11th judicial circuit.

Which motion prevailed.

Mr. Harlan offered the following amendments:

After the words grand and pettit jurors in the second section add "*and the subpœnaing of witnesses.*"

Also, in the same section, after the words "*of time they are to serve,*" and add the words, "*and when subpœnaed to appear.*"

Also, in the same section, after the second set of words, "*of time they are to serve,*" and add the words, "*and when subpœnaed to appear.*"

Which amendments were adopted.

And the amendments ordered to be engrossed for a third reading.

ORDERS OF THE DAY.

House Bills on Third Reading.

No. 18. An act to incorporate the town of Mount Vernon.

No. 26. An act authorizing the election of county surveyors.

No. 40. An act to legalize the acts of masters in chancery in the county of Huntington.

No. 66. An act to reduce the expenses of Floyd county.

No. 67. An act fixing the time for the report of the trustees of the Indiana Asylum for educating the deaf and dumb.

No. 76. An act defining the width of roads in the counties of Clinton and Tipton.

No. 86. An act to extend the benefits of a certain act therein named to the counties of Clinton and Carroll.

No. 94. An act making an appropriation for the arrest of Silas Doty, a fugitive from justice.

No. 95. An act to incorporate the Delphi Manufacturing Company.

No. 98. An act making an appropriation to pay J. R. Moreledge, a contractor on the Madison and Indianapolis Railroad.

No. 99. An act to amend and extend the provisions of the 18th, 19th, and 20th sections of the 41st chapter of the Revised Code of 1843, in relation to the proceedings in domestic and foreign attachments.

No. 106. An act to amend the charter of the Hagerstown canal company, and to legalize their acts;

No. 109. An act defining the duty of county treasurers;

No. 118. An act amendatory to an act for the relief of Delaware and Grant counties, approved January 13th, 1844;

No. 119. An act to amend an act entitled "An act granting to the citizens of Madison and the town of Lawrenceburgh a city charter;"

No. 121. An act authorizing the sale of section 16, in township number 27 north, range 7 east;

No. 122. An act authorizing the State Bank of Indiana to lay off, plat, and record in out-lots, certain lands adjoining and laying near to the town of South Bend, St. Joseph county;

No. 128. An act to regulate the mode of doing county business in the county of Harrison;

No. 130. An act granting to probate judges in this State the right of taking acknowledgments of deeds and other instruments in writing, and for other purposes;

No. 131. An act authorizing the Secretary to make a deed in a cerain case;

No. 132. A joint resolution in relation to pre-emptioners on the Miami national reservation, in the State of Indiana;

No. 135. An act authorizing the collection of certain taxes therein named;

No. 136. An act exempting improvements on real estate from taxation in the counties of Kosciusko and Miami;

No. 137. An act to authorize clerks of circuit courts to administer oaths in certain cases;

No. 138. An act to locate a State road in Randolph and Wayne counties;

No. 139. An act to establish a State road in the county of Dearborn;

No. 141. An act in relation to roads and highways in Putnam county;

No. 143. An act for the improvement of highways in Bartholomew county;

No. 123. An act to repeal the third section of an act entitled "An act to provide for the reappraisement of real estate heretofore appraised and subject to taxation," and for other purposes;

Which were each severally read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

HOUSE BILLS ON SECOND READING.

No. 144. An act to amend the execution laws;

Was read a second time and referred to the committee on the judiciary.

No. 145. A bill to amend the 4th section of the 1st article of chapter 47, of the Revised Statutes of 1843;

Was read a second time, when

Mr. Parks moved to lay the bill on the table.

On this motion,
Messrs. Parks and Yaryan demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Arnold, Cravens, Deam, Dobson, Dowling, Fuller, Gilleece, Hamilton, Hanna, Harlan, Hicks, Holman, Huddleston, Huffstetter, Hunt, Jones of Blackford, Jones of Greene, Kerr, Lemmonds, Lewis, Mason, May, McCormack, Miller, Monk, Noel, Osborn, Palmer, Parker, Parks, Shields, Smiley, Suit, Thomas, Walker, Watts, Wiley, Wilson, Wolfe, Woodruff, Young and Mr. Speaker—42.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Brown, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Colms, Decker, Dole, Dunham, Edwards, Ferguson, Gordon, Griffis, Green, Hall of Posey, Hall of Warren, Harding, Harvey, Hendricks, Holland, Huff, Hull, Johnson, Julian, Logan, Meredith, Moore, Norton, Porter, Powell, Stanfield, Stewart of Fayette, Stewart of Laporte, Summers, Tait, Thompson, Wise, and Yaryan—42.

So said bill was not laid on the table.
Mr. Thompson moved that the bill be indefinitely postponed;
Which motion prevailed.
On motion by Mr. Watts,
The House adjourned until Monday morning 9 o'clock.

MONDAY MORNING, December 28, 1846.

The House met pursuant to adjournment.

PETITIONS, &c., PRESENTED.

By Mr. Osborn, the petition and remonstrance of sundry citizens of Knox and Sullivan counties in regard to the leveeing the Wabash on Shaker prairie;

Which was referred to a select committee of Messrs. Osborn, Porter, Dowling and Carnahan.

Also, a petition on the same subject heretofore presented, was taken from the table and referred to the same committee.

By Mr. Harlan, the petition of sundry citizens of Knox and Sul-

livan counties, in regard to the leveeing of the Wabash river on Shaker prairie;

Which was laid on the table.

Mr. Meredith made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred House bill No. 57, have had the same under consideration, and direct me to report it back to the House and recommend its indefinite postponement, and the committee ask to be discharged from the further consideration of the subject.

Said bill was,

On motion by Mr. Stanfield,

Laid upon the table.

Mr. Hall of Posey made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred the petition of Frederick Houtz and others, have had the same under consideration and directed me to report the following bill and recommend its passage:

No. 206. A bill authorizing township trustees in the county of Huntington to make rivers the boundary lines of road districts when considered necessary;

Was read a first time and ordered to a second reading on to-morrow.

Mr. Meredith made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred House bill No. 52, have had the same under consideration, and direct me to report it back to the House and recommend its indefinite postponement, and the committee ask to be discharged from the further consideration of the subject.

No. 52. A bill to repeal an act entitled "An act more effectually to enable supervisors to open and keep in repair public highways," approved January 13, 1845," and to amend the Revised Code of 1843, as therein provided;

Was read a second time; and,

On motion, laid upon the table.

Mr. Deam made the following report:

MR. SPEAKER:

The committee to whom was referred the petition of sundry persons in regard to the location of a State road in the counties of Blackford, Wells and Jay, have had that subject under consideration and directed me to report the following bill and recommend its passage:

No. 207. A bill to locate a State road in the counties of Wells, Blackford and Jay;

Was read a first time and ordered to a second reading on to-morrow.

Mr. Watts made the following report:

MR. SPEAKER:

The committee on benevolent and scientific institutions to whom was referred a report of the trustees for the education of the blind, have had the same under consideration and directed me to report that, in the opinion of said committee, it is deemed advisable for the purpose of carrying out the benevolent designs of the State towards the unfortunate blind within her borders, to establish an institution for their mental cultivation and instruction in the mechanic arts, and in the mean time supporting the pupils now under instruction, at as early a day as practicable, and for the accomplishment of that object the committee beg leave to report the accompanying bill, and recommend its passage.

No. 208. A bill to establish an institution for the education of the blind of the State of Indiana;

Was read a first and second times, the rules being suspended therefor, and,

On motion by Mr. Hendricks,

Laid upon the table and two hundred copies ordered to be printed.

Mr. Fuller made the following report:

MR. SPEAKER:

The select committee to whom was referred a petition of sundry citizens of Warrick county, in relation to the disputed territory between the counties of Gibson and Warrick, have had that subject under consideration, and a majority have directed me to report the following bill and recommend its passage.

No. 209. A bill to more particularly define the boundary line between the counties of Gibson and Warrick.

Was read a first time, and ordered to a second reading on to-morrow.

Mr. Hendricks made the following report:

Mr. Speaker:

The select committee to whom was referred a petition from certain citizens of Vernon, in Jennings county, on the subject of legalizing the election of trustees in said town of Vernon, have had the same under consideration, and have directed me to report a bill in accordance with the prayer of said petition, and respectfully recommend its passage.

No. 210. A bill to legalize the election of trustees of the town of Vernon, in Jennings county.

Was read a first time, and ordered to a second reading on tomorrow.

Mr. Decker made the following report:

Mr. Speaker:

Your committee, to whom was referred the petition from sundry citizens of Jasper county, have had the same under consideration, and ask leave to report the following bill and recommend its passage, &c.

No. 211. An act entitled an act to repeal an act regulating tax in the county of Jasper.

Was read a first time, and ordered to a second reading on tomorrow.

Mr. Hanna made the following report:

Mr. Speaker:

The select committee to which was referred petitions for, and remonstrances against the creation of a new county, to be taken out of the territory of the counties of Carroll, Clinton, Richardville, and Cass, have had the same under consideration, and have directed me to report that legislation on that subject is unconstitutional and inexpedient, and therefore ask to be discharged from the further consideration of that subject.

Which was concurred in, and,

On motion by Mr. Hanna,

Said petitions and remonstrances were referred to the judiciary committee, with the following instructions:

"To inquire into the constitutionality of creating new counties out of the territory of counties created under the State constitution, having a less territory than 400 square miles; and also into the constitutionality of reducing counties created under said constitution, to

a less denomination than 400 square miles, with leave to report by bill or otherwise."

Mr. Ferguson offered the following:

Resolved, That this House will, the Senate concurring therein, adjourn sine die on the 18th day of January, A. D., 1847;

Which was laid upon the table.

Mr. Holland offered the following:

WHEREAS, The constitution of the State of Indiana, makes it the duty of his Excellency the Governor, when a majority of all the votes given at a general election for Governor, is in favor of a convention to alter the constitution, to inform the next General Assembly thereof; AND WHEREAS, a vote has been taken on that subject at another time than that designated in the constitution, by virtue of an act of the General Assembly at its last session; AND WHEREAS, a full vote was not given at said election on that subject, but of the number of votes cast for and against a convention, a majority voted for a convention; therefore,

Resolved, That his Excellency the Governor be, and he is hereby respectfully requested forthwith to communicate to this branch of the General Assembly, his opinion whether the vote given under the circumstances will authorize the legislature to provide by law for the election of members of such convention, the number thereof, and the time and place of their meeting.

Mr. Miller moved to lay said resolution on the table,

Upon which motion,

Messrs. Yaryan and Hamilton demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Arnold, Balding, Battell, Carr of Clark, Carr of Lawrence, Clark, Cravens, Crookshank, Deam, Decker, Dobson, Dunham, Fuller, Gilleece, Harding, Harlan, Harvey, Hicks, Holman, Huffstetter, Hull, Jenison, Johnson, Jones of Blackford, Julian, Lemmonds, Lewis, Logan, Mason, May, Miller, Monk, Neal, Norton, Osborn, Palmer, Parks, Porter, Shields, Smiley, Stanfield, Tait, Tebbs, Thomas, Thompson, Wiley, Wilson, Wise, Wolf, Woodruff, Young, and Mr. Speaker—52.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Brown, Carnahan, Colms, Dole, Dowling, Ferguson, Gordon, Griffis, Green, Hall of Posey, Hall of Warren, Hamilton, Hanna, Hendricks, Holland, Huddleson, Huff, Hunt, Kerr, McCormack, Meredith, Moore, Noel, Parker, Powell, Stewart of Fayette, Stewart of Laporte, Summers, Walker, Watts, and Yaryan—33.

So said resolution was laid on the table.

On motion by Mr. Watts,

Resolved, That the State Librarian be authorized to extend the use of the State Library to the trustees and officers of the Benevolent Institutions of the State.

On motion by Mr. Dole,

Resolved, That the clerk of this House be directed to take to the Senate the report of J. H. Sprague in relation to the claim of J. R. Moreledge for work and labor done on the third section of the Madison and Indianapolis railroad, to accompany the act that has passed this House on that subject.

BILLS INTRODUCED.

By Mr. Stanfield:

No 212.

By Mr. Palmer:

No. 213. A bill to establish a certain State road therein named;

By Mr. Balding:

No. 214. A bill to amend section 128, chapter 16, Revised Statutes of 1843.

By Mr. Hull:

No. 215. A bill to amend an act entitled, "an act granting to the citizens of Madison and the town of Lawrenceburgh, a city charter."

By Mr. Lewis:

No. 216. A bill for the further relief of the volunteers of the State of Indiana.

By Mr. Noel:

No. 217. A bill fixing the time of holding the terms of the probate courts in the county of Marion.

By Mr. Young:

No. 218. A bill to amend an act to extend an act in Madison county.

By Mr. Young:

No. 219. A bill to appropriate necessary means for the execution of the laws in arresting or recapturing fugitives from justice.

Were each severally read a first time, and ordered to a second reading on to-morrow.

The following message was received from the Senate by Mr. Jones, their secretary:

Mr. Speaker:

I am instructed to report to the House, that the Senate have passed the following engrossed bills thereof, in which the concurrence of the House is respectfully requested.

No. 4. A bill authorizing the township of Lawrenceburgh, in Dearborn county, to construct turnpike roads in said township.

No. 20. An act in relation to supervisors in the county of Daviess.

No. 26. A bill for the relief of Rebecca Gable.

No. 33. A bill to authorize the Governor of the State to order a special election for representatives of Congress in certain cases.

No. 34. A bill to extend the time of working out the road tax in the several counties therein named.

No. 40. A bill to divorce Christian Schwertfieger and wife.

No. 41. A bill to divorce Markem Hollen and Rachel Hollen, his wife.

No. 42. An act to divorce David T. Baggerly and Nancy Baggerly, his wife.

No. 45. A bill to authorize clerks of circuit courts to issue to other counties in certain cases.

No. 51. A bill for the relief of purchasers of seminary lands in Gibson and Monroe counties.

No. 59. A bill to vacate a part of a certain State road in the county of Ripley.

No. 65. A bill to incorporate the grand and subordinate divisions of the Sons of Temperance in the State of Indiana.

No. 88. A bill to repeal a certain act therein named.

Also, the following joint resolution of the Senate,

No. 86. A joint resolution on the subject of postage.

Bills Nos. 4, 20, 33, 34, 45, 51, 59, 65, and 88, in said message mentioned,

Were each read a first time, and ordered to a second reading on to-morrow.

Bills Nos. 26, 40, 41, and 42,

Were read a first time and rejected.

On motion by the House,

No. 86, was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

I am also instructed to report back to the House the following engrossed bills thereof, with the amendments of the Senate to the same, in which the concurrence of the House is respectfully requested.

No. 28. A bill to repeal a certain law therein named.

No. 81. An act for the further relief of the securities of James A. Kindle, late treasurer and collector of Madison county, Indiana.

I am also instructed to report to the House, the joint resolution of the Senate, amended by the House, with the amendments of the Senate to the same, in which the concurrence of the House is respectfully requested, following, to-wit:

No. 28. A joint resolution to the Congress of the United States on

the subject of increasing the monthly pay, and making a donation of land to the volunteers in the Mexican war.

The amendments of the Senate to the above bills and joint resolution, were read and concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

The following message was also received from the Senate by Mr. Jones, their secretary.

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof.

No. 8. A bill to amend an act entitled, "an act to incorporate the city of Richmond, Wayne county, Indiana," approved February 20, 1840.

No. 25. A bill to change the name of Frances Ann Fisher to Frances Ann Smith.

No. 29. A bill for the benefit of the volunteers for the Mexican war, and for the relief of county treasurers.

No. 48. A bill to divorce Abraham Gearhard from Debby Gearhard, his wife.

No. 53. A bill to authorize Nelson Conner of the county of Grant and State of Indiana, to maintain and keep up a mill dam across the Mississinnewa river.

Ne. 58. A bill repealing an act entitled, an act providing for removing obstructions in Buck Creek, in Henry county.

In which the concurrence of the House of Representatives is respectfully requested.

Bills Nos. 8, 25, 29, 53, and 58, in said message mentioned,
Were read a first time, and ordered to a second reading.
No. 48, was read a first time, and rejected by the House.

The Senate have also passed the following engrossed bills of the House without amendment.

No. 6. A bill to repeal an act entitled, an act to authorize the people of Fayette county and other counties therein named, to elect three seminary trustees, approved January 15, 1846.

No. 22. A bill to declare the name of Ann Frankbower, a misprint.

No. 24. A bill repealing all laws allowing docket fees except in certain cases.

No. 25. A bill changing the time of holding the probate court in the county of Delaware.

No. 26. A bill in relation to road tax in Elkhart county.

No. 29. A bill to establish a State road on a portion of the dividing line of the counties of De Kalb and Steuben.

No. 35. A bill empowering the commissioners of Kosciusko county to hold certain real estate.

No. 39. A bill to vacate the town of Independence, in Laporte county.

No. 41. A bill to vacate certain streets and alleys in the town of Noblesville, Hamilton county.

No. 42. A bill in relation to the probate court of Fayette county.

No. 43. A bill relative to swinging gates on highways.

No. 44. A bill to vacate a part of the town of Blairsville, in Posey county, Indiana.

No. 48. A bill relating to the probate court in Allen county.

No. 82. A bill to repeal an act therein named, so far as the county of Shelby is concerned;

N. 97. A bill to legalize certain acts of the board of commissioners of Clinton county, and for other purposes.

The following message was received from the Senate by Mr. Jones, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate have passed the following engrossed bill thereof:

No. 62. A bill to amend an act entitled "an act to incorporate the Knightstown and Shelbyville Railroad Company:

In which the concurrence of the House of Representatives is respectfully requested.

Said bill was read a first time and ordered to a second reading.

The following message was received from the Senate by Mr. Jones their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof:

No. 46. A bill to increase the number of pilots at the Falls of the Ohio river;

In which the concurrence of the House is respectfully requested.

Said bill was read a first time and ordered to a second reading.

The following message was received from the Senate by Mr. Jones, their secretary:

Mr. Speaker:

I am directed to report the passage of the following engrossed bills and joint resolutions of the Senate, in which the concurrence of the House is respectfully requested:

No. 5. A bill in relation to county roads in the counties of Putnam and Jefferson;

No. 12. A bill relative to the execution of decrees in chancery;

No. 39. A bill to authorize the letting out of the public printing to the lowest bidder;

No. 50. A joint resolution in relation to furnishing a copy of the lands selected by the State for the completion of the Wabash and Erie Canal;

No. 54. A bill to correct a mistake in the enrolling and publishing "an act to amend the several acts now in force relative to the New Albany and Vincennes Road," approved January 19, 1846;

No. 55. An act on the subject of divorces;

No. 56. A bill declaring the meaning of sections 143 and 145 of chapter 40, of the Revised Acts of 1843;

No. 60. An act to divorce Catharine Vickery from Edward Vickery, her husband;

No. 61. A bill for the relief Theodore F. Ellis, of Laporte county;

No. 66. An act to facilitate the building of school houses in the county of Dearborn;

No. 68. A bill fixing the time of holding the circuit courts in the county of Marion;

No. 69. A bill changing the time of holding courts in the eleventh judicial circuit;

No. 78. A bill for the relief of John Sodon;

No. 81. A bill repealing section nine, of chapter nine, article first of the Revised Code of 1843, in relation to notaries public.

No. 103. A bill to give additional time to the probate court of Monroe county;

No. 104. A bill to vacate an alley in Putnamville.

I am also authorized to report back to the House the following engrossed bills thereof, which the Senate have passed without amendment:

No. 27. A bill for the better regulation of the county board in the county of Warrick;

No. 23. An act relative to a certain school district in Hendricks county;

No. 56. An act to repeal an act for the relief of the people of Noble, Lagrange, Steuben and DeKalb counties, approved January 31, 1843;

No. 71. A bill to vacate certain streets and alleys in the town of Orleans, in the county of Orange.

I am also instructed to report the following engrossed bills of the House, with the amendments of the Senate thereto, in which the concurrence of the House is respectfully requested:

No. 68. A bill to authorize the board doing county business in the county of Orange, to appoint an appraiser of real estate subject to taxation at their March term, 1847;

No. 78. An act to amend an act entitled an act to extend the term of the board doing county business in the county of Tippecanoe.

Bills Nos. 5, 12, 39, 50, 54, 55, 56, 66, 69, 81, 103 and 104, in said message mentioned, were each severally read a first time and ordered to a second reading.

Nos. 61 and 78 were read and rejected by the House.

The amendments of the Senate to bills of the House Nos. 68 and 78 were each read and concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

No. 60 was read first time, and,

Mr. Colms moved to reject the same.

Messrs. Noel and Edwards demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Brown, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Colms, Cravens, Crookshank, Deam, Decker, Dunham, Gilleece, Gordon, Griffis, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Harvey, Hicks, Holland, Holman, Huddleston, Huff, Hull, Johnson, Jones of Blackford, Jones of Greene, Kerr, McCormack, Moore, Neal, Norton, Osborn, Parks, Porter, Powell, Secrest, Shields, Smiley, Stanfield, Stewart of Fayette, Summers, Thomas, Trimble, Watts, Wiley, Wolfe, Woodruff, Yaryan, Young and Mr. Speaker—56.

Those who voted in the negative are,

Messrs. Anthony, Arnold, Dobson, Dole, Dowling, Edwards, Ferguson, Fuller, Hamilton, Harlan, Hendricks, Huffstetter, Hunt, Jenison, Lemmonds, Lewis, Logan, May, Miller, Monk, Noel, Palmer, Parker, Stewart of Laporte, Tait, Tebbs, Thompson, Walker, Wilson, and Wise—30.

So said bill was rejected.

The following message was received from the Senate by Mr. Jones, their secretary:

MR. SPEAKER.

I am directed by the Senate to inform the House that the Senate have passed the following engrossed bill of the House, without amendment:

No. 134. A bill for the relief of certain persons therein named..

The following message was received from his excellency, the Governor, by Mr. Hanna, his private secretary:

MR. SPEAKER:

I am directed by his excellency, the Governor, to inform the House of Representatives that he did, on the 24th of this month, approve and sign the following bills, to-wit:

An act for the relief of Wylie M. Edmonston and Sarah Ann Edmonston, his wife, late Sarah Ann Parrott; also,

An act for the further relief of the sureties of James A. Kindle, late treasurer and collector of Madison county, Indiana;

Both of which originated in the House of Representatives.

Dec. 28, 1846.

ORDERS OF THE DAY.

House Bills on Second Reading.

No. 149. An act authorizing the location of a State road in the counties of Kosciusko and Marshall.

No. 150. A joint resolution relative to the duties of the superintendent of the Central Canal.

No. 151. A joint resolution in relation to the claim of Francis Vigo, late a citizen of Knox county, Indiana.

No. 155. An act to locate a State road from Logansport to Marion in Grant county.

No. 156. An act in relation to the common school fund in the county of Jackson.

Were each read a second time and ordered to be engrossed for a third reading.

No. 147. An act to amend the 40th section of chapter 35 of the Revised Statutes of 1843.

Which was read a second time, and

On motion by Mr. Dunham,

Amended as follows: "Also, when the husband shall have been an habitual drunkard for the space of one year immediately preceding the filing of such bill, or shall have unreasonably failed to provide for his family."

And the bill as amended referred to a select committee of Messrs. Dunham, Thompson, and Stewart of Fayette.

No. 158. An act to amend an act, entitled "An act to re-locate a portion of the State road leading from Greenfield, Hancock county, to Lebanon, in Boone county," approved January 15, 1846.

No. 159. An act authorizing the superintendent of the Wabash and Erie Canal to settle with Gookins, Barnes, and Thomas.

No. 160. An act declaring an act therein named to be a misprint.

No. 161. An act for the safe keeping of the records of Ohio county.

No. 166. An act to locate a State road in the counties of Wells and Adams.

No. 167. An act to locate a State road in the counties of Richardville and Carroll.

No. 169. An act for the improvement of the Cambridge City and Fort Wayne State road in the county of Wells.

No. 170. An act for the better protection of religious assemblies.

No. 171. A bill to re-locate a portion of the State road in Carroll county.

No. 174. An act for the relief James Kitchens of Gibson county.

No. 175. An act to locate a State road in the counties of Grant and Madison.

No. 176. A joint resolution relative to the Cumberland road.

No. 177. A joint resolution in relation to actual settlers on congressional lands.

No. 178. A bill to incorporate the Logansport and Wabash Free Bridge Company.

No. 180. An act to legalize the acts of Solomon M. Semans, a justice of the peace of White river township, in Randolph county.

No. 183. A bill transferring the duties of school commissioner in Crawford county to the county treasurer of said county.

No. 184. An act amendatory of an act, entitled "An act for the relief of James S. Mayes, late school commissioner of Knox county," approved January 20, 1846.

No. 185. A bill to incorporate the trustees of the Underwood Burying Ground.

No. 187. An act to incorporate the Kosciusko County Medical Society.

No. 188. A bill to change the name of Anna James to that of Anna Churchman.

No. 189. An Act to authorize Gabriel Johnson to build a mill dam across the Mississinnewa river.

No. 195. An act to locate a certain road therein named.

No. 196. An act to authorize Jonathan W. Elliott to use the water power at the Mount Pleasant mills in Noble county.

No. 197. An act to incorporate the Institute of Fine Arts of Bowling Green in Clay county.

No. 198. An act requiring the Indiana Mutual Fire Insurance Company to report to the Legislature.

No. 203. An act to authorize the Johnson circuit court to hold adjourned sessions thereof.

No. 205. A bill for the improvement of the river Patoka, in Gibson county.

Were each severally read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 145. An act for the relief of John McIntire, Clark M. Anthony, Joseph P. Glezen, and for other purposes.

Which was read a second time.

Amended by striking out that part which relates to its publication —and also amended by inserting a clause making it the duty of the Secretary of State to forward a certified copy of the same to the office of the auditor of the county of Pike—and the bill as amended ordered to be engrossed for a third reading.

Mr. Dunham moved to take from the table bill of the House,

No. 5. An act providing for the holding a convention to revise and amend the constitution of the State of Indiana.

Which was referred to the select committee who have the same matter under consideration.

No. 152. A bill to amend the 48th chapter, article 5th of the Revised Statues of 1843, in regard to writs of *ad quod damnum*.

Was read a second time and referred to the committee on education.

No. 154. A bill to amend an act, entitled "An act to incorporate the trustees of the Indiana Asbury University," approved January 10, 1837.

Was read a second time and referred to a select committee of Messrs. Secrest, Cravens, and Dowling.

No. 157. An act relating to the retailing of spirituous liquors.

Was read a second time.

Mr. Miller moved to refer to the judiciary committee,

When Mr. Thompson moved to refer to the judiciary committee with the following instructions: "To inquire into the expediency of providing that it shall require a majority of the township to petition the county board to obtain a license to retail ardent spirits."

Which instructions were not adopted.

And the bill was referred to the committee on the judiciary.

Mr. Colms, on leave given, introduced the following:

Resolved, That the use of this Hall be tendered to Mrs. Irwing, of this city, on Thursday evening next, for the purpose of giving a concert of vocal and instrumental music.

On the adoption of which,

Messrs. Moore and Stewart of Fayette, demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Battell, Carr of Lawrence, Clark,

Colms, Crookshank, Dole, Dunham, Edwards, Ferguson, Fuller, Gilleece, Gordon, Griffis, Hamilton, Hanna, Harlan, Harvey, Hendricks, Hicks, Holland, Holman, Huffstetter, Hull, Hunt, Lewis, Logan, Mason, May, Monk, Noel, Palmer, Porter, Secrest, Smiley, Stanfield, Stewart of Laporte, Suit, Tait, Tebbs, Thompson, Trimble, Walker, Watts, Yaryan, and Mr. Speaker—47.

Those who voted in the negative are,

Messrs. Arnold, Brown, Balding, Carr of Clark, Carnahan, Cravens, Deam, Decker, Dobson, Green, Hall of Posey, Hall of Warren, Harding, Huddleston, Huff, Jenison, Johnson, Jones of Blackford, Jones of Greene, Kerr, Lemmonds, McCormack, Miller, Moore, Neal, Norton, Osborn, Parker, Parks, Powell, Shields, Stewart of Fayette, Summers, Thomas, Wiley, Wilson, Wise, Wolfe, Woodruff, and Young—40.

So said resolution was adopted.

On motion,

The House adjourned until 2 o'clock, P. M.

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2 *o'clock, P. M.*

House met.

On motion by Mr. Palmer,

The following message from the Senate, which was received by Mr. Jones, their secretary, was taken up:

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate have passed the following engrossed bill of the House with two amendments, in which amendments the concurrence of the House is requested:

No. 153. An act to provide for the completion of the State prison;

Which amendments of the Senate were concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

No. 162. An act for the benefit of Jesse Wolf;

No. 163. An an act to amend the 48th and 49th sections of the 2nd article of the 29th chapter of the Revised Statutes of 1843;

No. 181. An act for the protection of the property of married women;

No. 192. A bill authorizing deeds in certain cases to be made;

No. 202. A bill to amend chapter 1, of the Revised Statutes of 1843;

Were each read a second time and referred to the committee on the judiciary.

No. 164. A bill to provide for the punishment of persons guilty of embezzlement;

No. 165. An act defining the duties of county assessors;

Were each read a second time and indefinitely postponed.

Mr. Mason, on leave given, introduced the following joint resolution:

No. 220. A joint resolution of the General Assembly of the State of Indiana;

Was read a first time and ordered to a second reading.

Mr. Crookshank, on leave, offered the following:

Resolved, That the communication of His Excellency, the Governor, transmitting certain documents to both Houses, accompanied by proposed amendments to the act entitled "An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal," be referred to a select committee of one member from each congressional district, to act jointly with a similar committee of the Senate; and that the Senate be informed of the adoption of this resolution, with a respectful request that it be reciprocated by that body, and that said committee on the part of this House have leave to report by bill or otherwise.

Which was adopted.

Whereupon, the Speaker appointed Messrs. Crookshank, Thompson, Dunham, Yaryan, Noel, Carr of Lawrence, Secrest, Suit, Stanfield, and Harlan, said committee.

Mr. Thompson moved to take from the table bill

No. 69. A bill defininng the duties of clerks of the probate courts;

Which motion prevailed.

And said bill was referred to a select committee of Messrs. Thompson, Wolfe and Powell.

No. 172. A bill to relocate a portion of the State road in Carroll county;

Was read a second time and laid on the table.

No. 173. An act to amend an act in relation to the northern division of the Central canal, approved January 13, 1846;

Was read a second time, when

Mr. Moore moved to amend as follows:

Amend the first section, fourth line, by inserting immediately after the word leased, "or hereafter to be leased."

Pending which,

The bill was referred to the committee on canals and internal improvements.

No. 179. A bill in relation to divorces in the circuit courts;

Was read a second time, and referred to a select committee of Messrs. Thompson, Yaryan and Palmer.

No. 186. An act to provide for the recording of bonds and letters of guardians;

Was read a second time and referred to a select committee of Messrs. Thompson, Wolfe and Powell.

No. 191. An act in relation to county treasurers;

No. 193. An act to abolish the practice of taking depositions in chancery;

Were each read a second time and indefinitely postponed.

No. 192. A bill authorizing deeds in certain cases to be made;

Was read a second time and referred to the committee on the judiciary.

No. 194. An act to amend the fifth section of chapter 12, of Revised Statutes of 1843;

Was read and referred to the committee on education with the following instructions:

"To report a bill exempting all real and personal property and money belonging to school seminaries, colleges, and universities, and other institutions of learning, from taxation."

No. 199. An act for the relief of Dempsey Linton of Randolph county;

Was read a second time and referred to the judiciary committee.

No. 200. A bill to amend section 54, of article 5, chapter 12, of Revised Laws of 1843;

Was read a second time and indefinitely postponed.

No. 201. A bill to amend the 103d section of the 4th article of the 16th chapter of the Revised Statutes of 1843;

Was read a second time and referred to the committee on ways and means.

No. 204. An act the better to preserve the health of the inhabitants residing along the canals in this State;

Was read a second time and referred to the committee on canals and internal improvements.

No. 13, (Senate.) A bill to repeal special laws in force in the 11th judicial circuit;

Was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Balding, on leave, introduced the following resolution:

Resolved, That any person or persons wishing to use this Hall shall, before admission, pay five dollars into the State treasury, in evidence of which payments, such person or persons shall, before admission, present to the doorkeeper of this Hall the receipt of the treasurer of State showing that such payment has been made, and for such purpose. Also, pay one dollar to the doorkeeper and each

of his assistants, who shall be allowed to remain in the Hall to keep order.

Pending which,

On motion by Mr. Carr of Lawrence,

The House adjourned until to-morrow morning at 9 o'clock.

TUESDAY MORNING, December 29th, 1846.

The House met pursuant to adjournment.

PETITIONS, &c., PRESENTED.

By Mr. Jones of Blackford, the petition of sundry citizens of Blackford county, praying an extension of county boundary;

Which was referred to a select committee of Messrs. Jones of Blackford, Carr of Lawrence, Julian, Deam and Harlan.

By Mr. Carnahan, a petition of C. M. Moore and one hundred and five others, to locate a certain State road in the counties of Posey and Vanderburgh;

Which was referred to the committee on roads.

By Mr. Hull, the petition of A. Hendricks & Son for relief;

Which was referred to the committee on canals and internal improvements.

By Mr. Suit, the remonstrance of sundry citizens of Clinton county against forming a new county out of Clinton, Carroll, Cass, &c.

Which was referred to the judiciary committee.

By Mr. Secrest, the petition of the officers of the 15th regiment of Indiana militia in regard to the militia laws;

Which was referred to the committee on military affairs.

By Mr. Neal, the petition of sundry citizens of Boone county, in relation to the election of a justice of the peace, &c., for a certain township of said county;

Which was referred to a select committee of Messrs. Neal, Clark, and Shields.

By Mr. Watts, a petition in regard to the granting of marriage licenses;

Which was referred to the judiciary committee.

By Mr. Secrest, the petition of David Rudisill and Jefferson Walls of Greencastle, Putnam county, in regard to the improvement of town lots;

Which was referred to a select committee of Messrs. Secrest, Julian, and Carr of Lawrence.

By Mr. Dowling, the petition of Nathan H. Spears of Vigo county, praying a divorce from his wife, Zelota Spears.

Mr. Neal moved to lay said petition on the table,

On which motion,

Messrs. Harvey and Noel demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Brown, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Colms, Cravens, Crookshank, Deam, Decker, Dunham, Gilleece, Gordon, Griffis, Green, Hall of Posey, Hanna, Harding, Harvey, Hicks, Holland, Holman, Huddleson, Hull, Johnson, Jones of Blackford, Jones of Greene, Julian, Kerr, Lutz, McCormack, Monk, Moore, Neal, Nofsinger, Norton, Osborn, Parks, Porter, Secrest, Shields, Smiley, Stanfield, Suit, Summers, Tackett, Thomas, Trimble, Watts, Wiley, Wolfe, Woodruff, Young, and Mr. Speaker—58.

Those who voted in the negative are,

Messrs. Anthony, Arnold, Dole, Dowling, Edwards, Ferguson, Fuller, Hall of Warren, Hamilton, Harlan, Hatfield, Hendricks, Huffstetter, Hostetter, Huff, Hunt, Jenison, Lemmonds, Lewis, Logan, Mason, Meredith, Miller, Noel, Palmer, Parker, Powell, Sleeth, Stewart of Fayette, Stewart of Laporte, Tait, Tebbs, Thompson, Walker, Wilson, and Wise—37.

So said petition was laid on the table.

By Mr. Mason, the petition of some 400 citizens of Brown county, for the relief of William Taggart and his securities;

Which was referred to a select committee of Messrs. Mason, Watts, Arnold, and Dunham.

Mr. Palmer, on leave, introduced the following,

Resolved, That the clerk of this House inform the Senate that this House is now ready to proceed, with closed doors, to the election of a State Bank director, to fill the vacancy occasioned by the resignation of Col. James P. Drake.

Which was adopted.

Mr. Harvey moved a call of the House,

Which was seconded,

And after sometime spent therein,

The further call was suspended.

On motion by Mr. Moore,

Bill of the Senate,

No. 68. A bill fixing the time of holding the circuit court in the county of Marion.

Was taken from the table.

Mr. Palmer moved to amend as follows:

Strike out third Monday in January, and insert second.

Pending the adoption of which,

The bill was referred to a select committee of Messrs. Harvey, Moore, and Sleeth.

The following message was received from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate have reciprocated the resolution of the House, relative to the election of a State Bank Director, in the place of Colonel James P. Drake resigned, and are now ready to proceed to said election with closed doors.

The House then proceeded with closed doors to the election of a State Bank Director, to fill the vacancy occasioned by the resignation of James P. Drake, Esq.

Messrs. Fuller and Harvey acting as tellers.

On counting the first ballot, it appeared that

George W. Lane received - - - -	13 votes.
E. R. James received - - - -	25 votes.
James Sweetser received - - - -	20 votes.
Isaac Dunn received - - - -	13 votes.
Mr. Stevens received - - - -	5 votes.
A. A. Hammond received - - - -	8 votes.
Scattering - - - - - -	13 votes.

No person having received a majority of all the votes, the House proceeded to a second ballot.

When, on counting the votes, it appeared that

George W. Lane received - - - -	14 votes.
E. R. James received - - - -	22 votes.
James Sweetser received - - - -	21 votes.
Isaac Dunn received - - - -	17 votes.
Mr. Stevens received - - - -	8 votes.
A. A. Hammond received - - - -	11 votes.
Scattering - - - - - -	4 votes.

No person having received a majority of all the votes, the House proceeded to a third ballot.

When, on counting the votes, it appeared that

George W. Lane received - - - -	13 votes.
E. R. James received - - - -	21 votes.
James Sweetser received - - - -	25 votes.

Isaac Dunn received - - - -	15 votes.
Mr. Stevens received - - - -	9 votes.
A. A. Hammond received - - - -	7 votes.
Scattering - - - - - -	9 votes.

No person having received a majority of all the votes, the House proceeded to a fourth ballot.

When, on counting the votes, it appeared that

George W. Lane received - - - -	15 votes.
E. R. James received - - - -	23 votes.
James Sweetser received - - - -	43 votes.
Isaac Dunn received - - - -	5 votes.
Mr. Stevens received - - - -	3 votes.
A. A. Hammond received - - - -	6 votes.
Scattering - - - - - -	9 votes.

No person having received a majority of all the votes, the House proceeded to a fifth ballot.

When, on counting the votes, it appeared that

James Sweetser received - - - -	48 votes.
E. R. James received - - - -	23 votes.
George W. Lane received - - - -	14 votes.
A. A. Hammond received - - - -	4 votes.
Isaac Dunn received - - - -	2 votes.
Mr. Stevens received - - - -	1 vote.
Scattering - - - - - -	6 votes.

No person having received a majority of all the votes, the House proceeded to a sixth ballot.

When, on counting the votes, it appeared that

James Sweetser received - - - -	53 votes.
E. R. James received - - - -	21 votes.
George W. Lane received - - - -	15 votes.
Scattering - - - - - -	7 votes.

James Sweetser having received a majority of all the votes given, was by the Speaker declared duly elected a Bank Director on the part of the State, to serve as such for the unexpired term of service of James P. Drake, Esq.

Ordered, That the clerk inform the Senate thereof, by a sealed message.

The following message was received from the Senate, by Mr. Jones, their Secretary:

MR. SPEAKER:

I am directed by the Senate to deliver to the House of Representatives the accompanying sealed message, relative to the election of a State Bank Director:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that at an election for a Director of the State Bank of Indiana, held with closed doors, in pursuance to a resolution of the two Houses, James Sweetser received, on the 11th balloting, a majority of all the votes given, and was declared duly elected on the part of the Senate, a Director of the State Bank of Indiana, to serve as such for the remainder of the unexpired term of Col. James P. Drake, resigned.

JOHN R. JONES,
Secretary of the Senate.

On motion by Mr. Noel,
The House adjourned until two o'clock, P. M.

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2 o'clock, P. M.

House met.

The Speaker laid before the House the tenth annual report of the directors to the members of the Indiana Mutual Fire Insurance Company;

Which was laid upon the table, and two hundred and fifty copies ordered to be printed.

The House then went into committee of the whole on the special order of the day.

No. 127. A bill to extend the writ of garnishee in certain cases;

With Mr. Miller in the chair.

And after some time spent therein,

The committee rose, and Mr. Miller, their chairman reported, that according to order, they had had the bill under consideration, and adopted sundry amendments; in which they asked the concurrence of the House, and the committee ask to be discharged from the further consideration of the subject.

The amendments are as follows:

Amend section 8 by adding the following:

"And it shall be deemed good cause if the person against whom

said execution or order shall have issued, shall prove by competent evidence that the money so due to him from said garnishee is due to him for work or labor, and that the same is necessary for the support of himself or his family."

SEC. 10. The person against whom said execution or order shall have issued, shall be entitled to hold property to the value of ——— dollars, exempt from said execution or order of sale.

SEC. 11. Stock or shares held in any corporation, shall in all cases be subject to levy and sale, on execution; and the officer making such levy shall, immediately thereafter, notify the person having the custody of the transfer books of such corporation, of such levy.

SEC. 12. The officer making such sale, shall execute and deliver to the purchaser a certificate thereof, which certificate shall transfer to the purchaser all the interest of the execution debtor therein, and such purchaser shall have and enjoy the same stock, the same as if the transfer had been made to him by the execution debtor: *Provided*, the judgment defendant shall have $125 worth of personal property exempt from execution, and if he has not $125 worth of personal property in his possession of the then amount attached sufficient to make up $125, shall be exempt or returned to said defendant.

That the —— section be so amended in the proper place that no debt or chose in action not amounting to twenty dollars, shall be recovered by said writ of garnishee.

That whenever any writ shall be issued as provided by this bill against any defendant, either party may claim a jury to ascertain whether the defendant makes more than is necessary to support his family and educate his children, and on the trial of this issue, if the defendant will make oath that the moneys or choses in action garnisheed, are necessary for the above named purposes, and the plaintiff or plaintiffs cannot prove by disinterested testimony that the same are not necessary for said purposes, then the writ shall be dismissed at the plaintiff's cost.

Whereupon, the committee were discharged from the further consideration of the bill.

Mr. Secrest moved that the bill and amendments be indefinitely postponed.

On which motion,

Messrs. Secrest and Colms demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Arnold, Brown, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Colms, Cravens, Crookshank, Deam, Decker, Dobson, Dole, Dowling, Edwards, Ferguson, Fuller, Gilleece, Griffis, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Harlan, Hatfield, Hendricks, Hicks, Holland, Holman, Hostetter, Huddleston, Huff, Huffstetter, Hull, Hunt, Jenison, Johnson, Jones

of Blackford, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Lutz, Mason, May, McCormack, Meredith, Miller, Monk, Moore, Neal, Nofsinger, Norton, Osborn, Palmer, Parker, Parks, Powell, Secrest, Sleeth, Smiley, Suit, Summers, Tackett, Tait, Tebbs, Thomas, Thompson, Trimble, Walker, Watts, Wiley, Wilson, Wise, Wolfe, Woodruff, Young, and Mr. Speaker—80.

Those who voted in the negative are,

Messrs. Addleman, Battell, Cassatt, Clark, Dunham, Gordon, Hamilton, Harvey, Julian, Noel, Porter, Stanfield, Stewart of Fayette, Stewart of Laporte, and Yaryan—15.

So said bill was indefinitely postponed.

Mr. Cravens, on leave given, introduced the following bill:

No. 221. A bill to declare the meaning of an act therein named;

Which was read a first and second times, the rules being suspended, and referred to the judiciary committee.

Mr. Dowling, on leave given, introduced the following:

No. 222. An act to amend section 414, of chapter 40, of the Revised Statutes of 1843, relative to the advertising real estate at sheriffs' sale;

Which was read a first time, and ordered to a second reading.

Mr. Thompson gave notice that on to-worrow he would move the House to so amend the rules, as to make it the duty of the clerk to notice the time and hour, and the mover's name on the journal who made the motion to adjourn after two o'clock, P. M.

On motion by Mr. Dunham,

The House adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, December 30, 1846.

The House met pursuant to adjournment.

Mr. Carr of Lawrence moved a call of the House;

Which was seconded.

And after some time spent therein,

On motion by Mr. Miller,

The further call was suspended.

PETITIONS, MEMORIALS, &C., PRESENTED.

The Speaker laid before the House the petition and memorial of

J. N. Ray of Lawrenceburg, relative to the passage of laws on the subject of embezzlement;

Which was laid upon the table.

The Speaker also laid before the House the remonstrance of sundry citizens of the counties of Washington and Orange, relative to a division of a certain school district in said counties;

Which was referred to the committee on education.

By Mr. Huffstetter, the petition of R. H. Sanderson and others, on the subject of amending the school laws.

Which was referred to the committee on education.

By Mr. Arnold, the petition of sundry citizens of Bartholomew county, for the incorporation of the Columbus Bridge Company;

Which was referred to a select committee of Messrs. Arnold, Hendricks, and Cravens.

By Mr. Parker, the petition of sundry citizens of Perry township, Allen county, in regard to attorneys practising in courts not of record;

Which was referred to the judiciary committee.

By Mr. Dowling, a petition to relocate a State road in Vigo county;

Which was referred to the committee on roads.

By Mr. Dowling, the petition of E. S. Wolfe, P. M. of New Market, Vigo county, praying that the name of "New Market," Harrison county, may be changed *back* to that of "Mauckport;"

Which was referred to a select committee of Messrs. Porter, Dowling and Tait.

By Mr. Griffis, the petition of sundry citizens of Randolph county, in regard to the sale of spiritous liquors in said county:

Which was referred to the judiciary committee.

By Mr. Decker, a petition praying the passage of a law to legalize the proceedings of an *ad quod damnum* jury therein mentioned;

Which was referred to a select committee of Messrs Decker, May and Palmer.

By Mr. Meredith, a petition praying a divorce for James Dwiggins;

Which was laid on the table.

By Mr. Harlan, the remonstrance of sundry citizens of several townships in Grant county, against being attached to Blackford county;

Which was referred to the select committee who have that subject under consideration; and,

On motion by Mr. Harlan,

Messrs. Crookshank, Colms, and Griffis, were added to said committee.

On motion by Mr. Shields,

The rules were suspended, and

The following message from the Senate was taken up, which was received by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate have passed the following engrossed bills thereof:

No. 49. A bill relative to allowances to guardians;

No. 63. A bill to authorize the superintendent of the New Albany and Vincennes Road to rebuild bridges that have washed away on said road;

No. 64. A bill for the relief of David Burr;

No. 70. A bill to provide for the punishment of seduction;

No. 73. A bill to divorce Celia Lowder from her husband, Riley Lowder, of Daviess county;

No. 74. A bill for the relief of Martha Warner;

No. 76. A bill to change the mode of doing county business in Decatur county;

No. 77. A bill for the relief of Wm. Rodeburgh, of Whitley county;

No. 79. A bill to divorce John F. Gardner from his wife, Mary L. V. Gardiner;

No. 82. A bill to prevent county treasurers, and other officers, from purchasing certain real estate;

No. 84. A bill to divorce Wm. D. Kelso from his wife, Nancy Kelso;

No. 85. A bill to amend an act entitled an act to incorporate the town of Jeffersonville, approved January 28, 1839, and the amendments thereto;

No. 87. A bill to repeal an act entitled an act for the relief of the late Capt. Richard McCarty, approved January 15, 1846;

No. 90. A bill to divorce certain persons therein named;

No. 93. A bill to incorporate the Lafayette Hydraulic Company;

No. 94. A bill to dissolve the bans of matrimony between Madison Lamb and Elizabeth Lamb;

No. 95. A bill to legalize the election of trustees for the corporation of the town of Greensboro, Henry county;

No. 98. A bill to authorize Malon Waldren and Caleb Boots to maintain and keep up a mill dam in Grant county;

No. 99. A bill in relation to retailing intoxicating liquors in Wayne county;

No. 101. A bill to amend an act to incorporate the Lafayette Bridge Company;

No. 105. A bill for the relief of Elizabeth Lister;

No. 111. A bill extending the time for holding the several terms of the probate court of Vanderburgh county;

No. 112. A bill to legalize the transfer of certain canal land certificates;

No. 121. A bill amendatory of an act in relation to the auditor of Warren county;

In which the concurrence of the House is respectfully requested.

Bills Nos. 49, 63, 70, 76, 82, 85, 87, 93, 95, 98, 99, 101, 111, 112, and 121, in said message mentioned, were each read a first time and ordered to a second reading on to-morrow.

Bill No. 64, was read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Shields, Dunham, Hendricks and Cravens.

Bills Nos. 73, 74, 77, 79, 84, 90, 94 and 105, were each read a first time, and rejected by the House.

The following message was received from his excellency, the Governor, by Mr. Hanna, his private secretary:

Mr. Speaker:

I am directed by his excellency, the Governor, to inform the House of Representatives, that he did, on the 28th instant, approve and sign the following bills, to-wit:

No. 8. An act to incorporate the Decatur County Medical Society;

No. 116. An act to change the name of Richardville county;

Both of which originated in the House of Representatives.

The following message was received from his excellency, the Governor, by Mr. Hanna, his private secretary:

Mr. Speaker:

I am directed by his excellency, the Governor, to inform the House of Representatives that he did, on the 29th instant, approve and sign the following bills, to-wit:

No. 134. An act for the relief of certain persons therein named;

No. 70. An act to vacate certain streets and alleys in the town of Orleans, Orange county;

No. 56. An act to repeal an act entitled "an act for the relief of the people of Noble, Lagrange, Steuben and DeKalb counties," approved January 31, 1843;

No. 27. An act for the better regulation of the board doing county business in the county of Warrick;

All of which originated in the House of Representatives.

Dec. 30, 1846.

Mr. Tait made the following report:

Mr. Speaker:

The committee on enrolled bills have compared the following enrolled with the engrossed bills, and find them correctly enrolled:

No. 27. An act for the better regulation of the board doing county business in the county of Warrick.

No. 23. An act relative to a certain school district in Hendricks county.

No. 134. An act for the relief of certain persons therein named.

No. 153. An act to provide for the completion of the State Prison, and for other purposes.

No. 71. An act to vacate certain streets and alleys in the town of Orleans, Orange county.

No. 56. An act to repeal an act entitled "an act for the relief of the people of Noble, Lagrange, Steuben and DeKalb counties, approved January 31, 1843.

No. 35. An act empowering the board of commissioners of Kosciusko county to hold certain real estate.

No. 39. An act to vacate the town of Independence in Laporte county.

No. 41. An act to vacate certain streets and alleys in the town of Noblesville, Hamilton county.

No. 42. An act relative to the probate court of Fayette county.

No. 43. An act relative to swinging gates on highways.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

PETITIONS, &C. PRESENTED.

By Mr. Dunham, the petition of sundry citizens of the county of Washington for the repeal of the law confining voters to their respective townships.

Which was laid upon the table.

By Mr. Fuller, certain accounts relating to the selection of canal lands in the Vincennes land district.

Which was referred to the committee on canals and internal improvements.

By Mr. Stewart of Fayette, the petition of sundry citizens of the county of Fayette for the passage of a law to give justices of the peace of said county jurisdiction in all civil causes co-extensive with the limits of said county.

Which was referred to a select committee of Messrs. Stewart of Fayette, Julian, and Thomas.

Mr. Secrest made the following report:

Mr. Speaker:

The committee of ways and means to whom was referred a resolution of the House instructing said committee to inquire into the expediency of repealing an act the better to secure the payment of the revenue into the State Treasury in such funds as are collected by the county treasurers, approved January 15, 1844, have considered said subject, and have directed me to report that in the opinion of

said committee said law ought not to be repealed at present, and ask to be discharged from the further consideration of that subject.

Which report was concurred in.
Mr. Carr of Lawrence, made the following report:

Mr. Speaker:

The committee of ways and means to whom was referred bill No. 201, of the House, entitled "A bill to amend the 103d section of the 4th article of the 16th chapter of the Revised Statutes of 1843, have, according to order, had the same under consideration, and directed me to report the same back to the House, and recommend that the bill be indefinitely postponed.

Which report was concurred in.
And said bill was indefinitely postponed.
Mr. Palmer made the following report:

Mr. Speaker:

The committee on the judiciary to whom was referred a resolution of the House, instructing them to inquire into the expediency of extending the provisions of the 6th clause of section 165, chapter 12 of the Revised Code of 1843, to persons carrying on or exercising the business of buying and selling canal land scrip, have had that subject under consideration, and directed me to report the following bill, and recommend its passage:

No. 223. A bill extending the provisions of the sixth clause of section one hundred and sixty-five of chapter twelve, of the Revised Code of 1843, to certain persons therein named.

Which was read a first time and ordered to a second reading.
Mr. Sleeth made the following report:

Mr. Speaker:

The committee on the judiciary to whom was referred House bill No. 126, "An act to amend section 55 of article 8 of the Revised Statutes of 1843," have had that subject under consideration, and have directed me to report the same back to the House, and recommend its indefinite postponement, and respectfully ask to be discharged from the further consideration of the subject.

Which report was concurred in.
So said bill was indefinitely postponed.
Mr. Porter made the following report:

Mr. Speaker:

The judiciary committee to whom was referred a resolution of the House directing them to inquire into the policy of providing a law authorizing aggrieved parties to sue the agents of a corporation without the State, have had said resolution under consideration, and are of opinion that it would be impolitic to pass such a law. They are also of opinion that great injustice would necessarily be done by the operation of such a law. They therefore pray to be discharged from any further consideration of the subject.

Which report was concurred in.

Mr. Julian made the following report:

Mr. Speaker:

The judiciary committee to whom was referred resolution of the House directing an inquiry into the expediency of so amending the law on the subject as to allow females to prosecute suits for divorce free of costs; and to make it the duty of prosecuting attorneys to advocate instead of opposing such suits, have had the same under consideration, and direct me to report that in their opinion it would be inexpedient to legislate further on the subject, and the committee ask to be discharged, &c.

Which report was concurred in.

Mr. Sleeth made the following report:

Mr. Speaker:

The committee on the judiciary to whom was referred resolution No. 32, instructing them to inquire into the expediency of so amending the existing laws as to allow clerks of probate courts to issue letters of guardianship, in vacation of such courts, have had that subject under consideration, and have directed me to report the following bill, and recommend its passage:

No. 224. An act relative to granting letters of guardianship.

Which was read a first time and ordered to a second reading.

Mr. Hunt made the following report:

Mr. Speaker:

The committee on education to whom was referred a resolution of the House instructing said committee to inquire into the expediency of "so amending the 77th, 85th, and 87th sections of article five, chapter fifteen, of the Revised Statutes of 1843, that hereafter the interest arising from the surplus revenue, and the interest due

any township from the common school fund loaned by the school commissioner, shall be divided annually on the first Monday in September," have considered the subject, and directed me to report that the amendment contemplated by said resolution would render necessary other changes in our school laws which the committee believe it inexpedient to make, and they, therefore, ask to be discharged from its further consideration.

Which report was concurred in.

Mr. Hunt also made the following report:

Mr. Speaker:

The committee on education, to whom was referred sundry resolutions of the House instructing said committee to inquire into the expediency of so amending the school law as to create a superintendent of common schools, "whose duty it shall be to examine into the condition of the schools of some of the older States by correspondence, travel, and personal inspection, and to report the result thereof, and the condition of our schools, school houses and school funds to the State Legislature at its next session," have had that subject under consideration and directed me to report that the existing law on that subject already requires the treasurer of State to perform all the duties of practical importance which the aforesaid resolutions would impose on a State superintendent; and that it is inexpedient to diminish the school fund by appropriating the amount which would be necessary to pay the salary and travelling expenses contemplated by said resolution; the committee therefore ask to be discharged from the further consideration of the subject.

Mr. Meredith moved that the resolutions be recommitted back to the committee on education with instructions to report a bill in compliance with the requisitions of the said resolutions.

Which motion prevailed.

Mr. Monk made the following report:

Mr. Speaker:

The committee on roads, to whom was referred a resolution to inquire into the expediency of amending the 81st section of chapter 16, of the Revised Code, so as to secure the payment from non-residents of any assessments of labor made by supervisors under said section of law, have had the same under consideration and directed me to report the following bill and recommend its passage.

No. 225. An act to compel non-residents to pay a road tax equal to that of residents;

Was read a first time and ordered to a second reading.

Mr. Brown made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred resolution No. 30, relative to taxing non-resident lands for road purposes, have had the same under consideration and directed me to report that, in their opinion, legislation on that subject at this time is inexpedient, and ask to be discharged from the further consideration of the same.

Which report was concurred in.

Mr. Porter made the following report:

MR. SPEAKER:

The committee on corporations, to which was referred the petition of sundry citizens of Cambridge City, in the county of Wayne, praying for the vacation of certain lots, streets and alleys therein named, have had the subject of said petition under consideration and have directed me to report the accompanying bill:

No. 226. A bill to vacate certain streets and alleys in Cambridge City;

Was read a first time and ordered to a second reading.

Mr. Cassatt made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred Senate bill No. 19, incorporating "Anderson's Collegiate Institute," have had the same under consideration, and directed me to report the same back without amendment and recommend its passage.

Said bill was read a second time and ordered to a third reading on to-morrow.

Mr. Mason made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of William Taggart and others, for relief, have had the same under consideration and directed me to report the following bill and recommend its passage:

No. 227. An act for the relief of William Taggart and his securities;

Was read a first time and ordered to a second reading.

Mr. Deam made the following report:

Mr. Speaker:

The select committee to whom was referred a petition of the county commissioners of Adams county, praying the legalization of certain acts therein named, have had that subject under consideration, and ask leave to report the following bill and recommend its passage, and your committee ask to be discharged from the further consideration of the subject.

No. 228. A bill to legalize the proceedings of the board of county commissioners of Adams county, and for other purposes;

Was read a first time and ordered to a second reading.

Mr. Powell made the following report:

Mr. Speaker:

The select committee to whom was referred bill No. 186, have had the same under consideration and direct me to report the same back without amendment, and recommend its passage.

No. 186. An act to provide for the recording of bonds and letters of guardians;

Was read a second time and ordered to be engrossed for a third reading.

Mr. Meredith made the following report:

Mr. Speaker:

The select committee to whom was referred sundry petitions of the German citizens of this State praying the school law to be so amended that they shall have a part of the school fund to teach schools in their own mother tongue, have had the same under consideration, and direct me to report a bill, and the committee ask to be discharged from the further consideration of the subject.

No. 229. A bill to amend the school law;

Was read a first time and ordered to a second reading.

Mr. Huffstetter made the following report:

Mr. Speaker:

The select committee to whom was referred the petition of John Baker and others, praying relief to the purchasers of saline lands in the county of Orange, have had the same under consideration, and directed me to report the following bill, and recommend its passage.

No. 230. A bill for the relief of the purchasers of saline lands in the county of Orange;

Was read a first time, and ordered to a second reading on to-morrow.

Mr. Hall of Warren made the following report:

Mr. Speaker:

The select committee to whom was referred the petition of E. F. Lucas, have had that subject under consideration, and a majority of said committee have directed me to report the following bill, and recommend its passage.

No. 232. An act for the relief of E. F. Lucas;

Was read a first time, and ordered to a second reading.

Mr. Stanfield dissents from the above.

Mr. Thompson made the following report:

Mr. Speaker:

The select committee, Mr. Powell dissenting, to which was referred a bill of the House No. 69, entitled, "a bill defining the duties of clerks of the probate courts," have instructed me to make one amendment, to-wit: strike out from the enacting clause and insert the following bill:

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter, for all services to be performed by the several county auditors and clerks of the circuit courts, discharging the duties of county auditors, for which a fee of ten cents per sheet of one hundred words is now allowed by law, the said auditors and clerks discharging the duties of auditors, shall receive for such service, nine cents per sheet of one hundred words; and it shall not hereafter be lawful for any county auditor, or clerk acting as such auditor, to receive any fee for the entry and transfer of land for taxation.

Sec. 2. That the fees to be allowed the county treasurer of the several counties in this State, on his settlement with the auditor for the collection of taxes, shall be seven per cent. on the first one thousand dollars, six per centum on any sum between one and two thousand dollars, five per centum on any sum between two and three thousand dollars, four per centum on any sum between three and four thousand dollars, three per centum on any sum between four and five thousand dollars; and two per centum on any sum of over five thousand dollars, by him collected as aforesaid.

Sec. 3. That hereafter sheriffs shall receive for the following services, the fees specified in this section, and no more, to-wit: for selling property on an execution, a commission of five per centum, on the first two hundred dollars, and two per centum on all sums over two hundred and not exceeding one thousand dollars, and on all sums

over one thousand dollars, one per centum; and when the money is paid without sale, one half of the above commission: *Provided, however*, That in no case shall such commission exceed the sum of fifty dollars.

Sec. 4. That the fees to be allowed the clerks of the probate courts for the services in this section specified, shall be as follows: for all copies per sheet of one hundred words, ten cents; for letters of administration, and recording and filing same, one dollar; for qualifying administrator, taking bond, and writing certificate, seventy-five cents; for recording and examining inventory or account per sheet of one hundred words, ten cents; for recording will per sheet of one hundred words, ten cents; making complete record per sheet of one hundred words, ten cents; for motion, continuance, and docketing case, ten cents; for each and every voucher filed, —— cents.

Sec. 5. That hereafter it shall not be lawful for the clerks of the several probate courts in this State, in making complete records of the settlements of executors and administrators, to transcribe from the records of the sales and inventories of personal property into such records; but when any complete record shall be made, such clerk shall refer in the proper place in the same to the book and page containing said sale and inventory.

Sec. 6. All laws and parts of laws coming within the perview of this act be, and the same are hereby, repealed.

Sec. 7. This act shall be in force from and after its passage.

Mr. Miller moved to indefinitely postpone the bill and amendments.

On this motion,

Messrs. Colms and Miller demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Colms, Jones of Blackford, Julian, Meredith, Miller, Summers, Tackett, Watts, and Woodruff—9.

Those who voted in the negative are,

Messrs. Anthony, Arnold, Brown, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Cassatt, Clark, Cravens, Crookshank, Deam, Decker, Dobson, Dole, Dowling, Dunham, Edwards, Ferguson, Fuller, Gilleece, Gordon, Griffis, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Harlan, Harvey, Hatfield, Hendricks, Hicks, Holland, Holman, Hostetter, Huddleston, Huff, Huffstetter, Hull, Hunt, Jenison, Johnson, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Lutz, Mason, May, McCormack, Monk, Moore, Neal, Noel, Nofsinger, Norton, Osborn, Palmer, Parker, Parks, Porter, Powell, Scott, Secrest, Shields, Sleeth, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Tait,

Tebbs, Thomas, Thompson, Trimble, Walker, Wiley, Wilson, Wise, Yaryan, Young, and Mr. Speaker—86.

So said bill was not indefinitely postponed.

Mr. Balding offered the following amendment:

Strike out the 5th section and insert the following:

SEC. 5. That hereafter the clerks of the several probate courts in this State shall not record inventories and sale bills of estates filed in their respective offices, until a final settlement of such estate is made, and then such inventories, sale bills, and all other matters connected with such estates, shall be recorded in the complete record of such estates: *Provided*, That all papers filed before said final settlements shall be carefully preserved by such clerks until final record is made.

Which was adopted.

Mr. Dowling offered the following amendment:

Provided, That the reduction of fees contemplated by this act shall not be applicable to any clerk whose aggregate income from the fees of office, does not exceed nine hundred dollars, or to any auditor or treasurer whose clear aggregate official income does not exceed five hundred dollars.

Which was not adopted.

Mr. Hull moved to refer the bill and amendments to the committee on the judiciary.

On this motion,

Messrs. Cravens and Secrest demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Cassatt, Clark, Dole, Edwards, Harvey, Hendricks, Hull, Jenison, McCormack, Miller, Powell, Summers, Watts, Wise, Woodruff, and Yaryan—17.

Those who voted in the negative are,

Messrs. Addleman, Arnold, Brown, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Colms, Cravens, Deam, Decker, Dobson, Dowling, Dunham, Ferguson, Fuller, Gilleece, Gordon, Griffis, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Harlan, Hatfield, Holland, Holman, Hostetter, Huddleston, Huff, Huffstetter, Hunt, Jones of Greene, Julian, Kerr, Lemmonds, Lewis, Logan, Lutz, Mason, May, Meredith, Monk, Moore, Neal, Noel, Nofsinger, Osborn, Palmer, Parker, Parks, Porter, Scott, Secrest, Sleeth, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Tackett, Tait, Tebbs, Thomas, Thompson, Trimble, Walker, Wiley, Wilson, Wolfe, Young and Mr. Speaker—74.

So said motion did not prevail.

Mr. Noel offered the following amendment:

Provided, That where county officers receive in fees and salaries a sum exceeding fifteen hundred dollars per annum, the overplus shall be paid into the county treasury.

Which was not adopted.

Mr. Palmer offered the following amendment:

Provided, The said sheriff shall not be entitled to a commission exceeding one per cent. when the property sold shall be bid in by the execution plaintiff or plaintiffs.

Which was not adopted.

Mr. Secrest offered the following amendment:

Amend last section by striking it out and inserting "this act to take effect and be in force from and after the first day of June next."

Which was adopted.

Mr. Dunham moved to refer said bill and amendments back to said committee with instructions so to amend as to provide that it shall not be required to record the said bill or inventory in any estate at all, but they shall be filed and preserved in the clerk's office of the proper court.

Mr. Cravens demanded a division of the question;

Which was seconded.

And the first question being,

"Shall the bill be referred?"

It was not so referred.

Mr. Meredith moved to lay the bill and amendments on the table.

On this motion,

Messrs. Cravens and Meredith demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Cassatt, Clark, Decker, Dole, Edwards, Gordon, Hendricks, Hicks, Hull, Julian, Meredith, Miller, Powell, Summers, Tackett, Watts, Wise, Woodruff, and Yaryan—19.

Those who voted in the negative are,

Messrs. Addleman, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Colms, Cravens, Deam, Dobson, Dowling, Dunham, Ferguson, Fuller, Gilleece, Griffis, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Harlan, Harvey, Hatfield, Holland, Holman, Hostetter, Huddleston, Huff, Huffstetter, Hunt, Jenison, Johnson, Jones of Blackford, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Lutz, Mason, May, McCormack, Monk, Moore, Neal, Noel, Nofsinger, Norton, Osborn, Palmer, Parker, Parks, Porter, Scott, Secrest, Shields, Sleeth, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Tait, Tebbs, Thomas, Thompson, Trimble, Walker, Wiley, Wilson, Wolfe, Young, and Mr. Speaker—74.

So said motion did not prevail.

Mr. Hendricks moved that the House adjourn.

Which motion did not prevail.

Mr. Secrest offered the following amendment:

Amend 1st section so as to apply to all auditors and clerks acting as auditors.

Which was adopted.

Mr. Watts offered the following amendment:

Amend by reading the fees of constables, jurors, witnesses, school commissioners, probate judges, associate judges, recorders, members of the Legislature one fourth below the present rates.

On the adoption of which,

Messrs. Watts and Neal demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Arnold, Brown, Colms, Dunham, Griffis, Harding, Hendricks, Hicks, Holland, Lewis, Meredith, Miller, Parker, Scott, Stewart of Fayette, Summers, Tacket, Trimble, Walker, Watts, Yaryan, and Wise—23.

Those who voted in the negative are,

Messrs. Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Cassatt, Clark, Cravens, Deam, Decker, Dobson, Dole, Dowling, Edwards, Ferguson, Fuller, Gordon, Green, Hall of Posey, Hall of Warren, Hanna, Harlan, Harvey, Hatfield, Holman, Hostetter, Huddleston, Huff, Huffstetter, Hull, Hunt, Jenison, Johnson, Jones of Blackford, Jones of Greene, Julian, Kerr, Lemmonds, Logan, Lutz, May, McCormack, Monk, Moore, Neal, Noel, Nofsinger, Norton, Osborn, Palmer, Parks, Porter, Powell, Secrest, Shields, Sleeth, Smiley, Stanfield, Stewart of Laporte, Suit, Tait, Tebbs, Thomas, Thompson, Wiley, Wilson, Wolfe, Woodruff, Young, and Mr. Speaker—71.

So said amendment was not adopted.

On motion by Mr. Noel,

The House adjourned until 2 o'clock, P. M.

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2 o'clock, P. M.

House met.

On motion by Mr. Cravens,

The rules were suspended, and the consideration of the bill which was pending before the House at the adjournment, was resumed.

Mr. Watts offered the following amendment:

Amend by reducing the fess for marriage license to twenty-five cents.

Mr. Cravens moved to lay the amendment on the table.

On this motion,

Messrs. Cravens and Watts demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Brown, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Cravens, Crookshank, Deam, Decker, Dobson, Dole, Edwards, Ferguson, Gilleece, Gordon, Griffis, Green, Hall of Posey, Hanna, Harding, Harlan, Harvey, Holland, Holman, Hostetter, Huddleston, Huff, Huffstetter, Johnson, Jones of Blackford, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Mason, May, Monk, Nofsinger, Norton, Osborn, Palmer, Porter, Powell, Scott, Secrest, Shields, Sleeth, Smiley, Suit, Summers, Tackett, Tait, Thomas, Thompson, Trimble, Wolfe, Young, and Mr. Speaker—61.

Those who voted in the negative are,

Messrs. Arnold, Cassatt, Colms, Hamilton, Hatfield, Hendricks, Lutz, McCormack, Neal, Noel, Parker, Parks, Walker, Watts, Wilson, Wise, and Woodruff—17.

So said amendment was laid on the table.

Mr. Watts offered the following amendment:

Amend by reducing the fees of pilots at the falls of the Ohio river to two dollars for every boat seventy feet or over in length, and one dollar for all boats under seventy feet.

Which was,

On motion by Mr. Cravens,

Laid on the table.

Mr. Tait offered the following amendment:

Provided, no such reduction shall be made to reduce the fees of any clerk, treasurer, auditor or sheriff below the sum of five hundred dollars per annum.

Which was,

On motion by Mr. Thompson,

Laid on the table.

Mr. Powell offered the following amendment:

Amend by striking out auditor, treasurer and sheriff.

Mr. Thompson moved to lay the amendment on the table.

On this motion,

Messrs. Powell and Summers demanded the ayes and noes:

Those who voted in the affirmative are,

Messrs. Arnold, Brown, Balding, Carr of Clark, Carr of Lawrence,

Carnahan, Cassatt, Clark, Cravens, Crookshank, Deam, Decker, Dunham, Edwards, Ferguson, Fuller, Gilleece, Gordon, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Harlan, Harvey, Hicks, Holland, Hostetter, Huddleston, Huffstetter, Huff, Hunt, Jenison, Johnson, Jones of Blackford, Jones of Greene, Kerr, Lewis, Mason, May, Monk, Moore, Neal, Noel, Norton, Osborn, Palmer, Parker, Parks, Porter, Scott, Secrest, Shields, Sleeth, Smiley, Stewart of Laporte, Suit, Tackett, Tait, Thomas, Thompson, Trimble, Walker, Wiley, Wilson, Young, and Mr. Speaker—67.

Those who voted in the negative are,

Messrs. Anthony, Colms, Dole, Griffis, Hamilton, Hatfield, Hendricks, Hull, Meredith, Miller, Powell, Summers, Watts, Wise, Wolfe, and Woodruff—16.

So said amendment was laid on the table.

Mr. Anthony moved to add the following as an additional section:

Sec. — Nothing in this act contained shall be so construed as to apply to any county in which the fees or any part thereof of any officer or officers which are now or may be hereafter fixed by any special or local law or laws.

Mr. Secrest moved to lay the amendment on the table.

On this motion,

Messrs. Secrest and Thompson demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Balding, Carr of Lawrence, Carnahan, Cravens, Crookshank, Deam, Decker, Gilleece, Hall of Posey, Hall of Warren, Hanna, Harding, Holman, Huddleston, Huff, Huffstetter, Johnson, Kerr, Lemmonds, Lewis, Logan, Mason, May, Monk, Moore, Neal, Nofsinger, Palmer, Powell, Scott, Secrest, Shields, Sleeth, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Tait, Thomas, Trimble, Wiley, Wilson, Young and Mr. Speaker—45.

Those who voted in the negative are,

Messrs. Anthony, Arnold, Brown, Carr of Clark, Cassatt, Clark, Colms, Dobson, Dole, Dunham, Edwards, Ferguson, Fuller, Gordon, Griffis, Green, Hamilton, Harvey, Hatfield, Hendricks, Hicks, Holland, Hostetter, Hull, Hunt, Jenison, Jones of Blackford, Jones of Greene, McCormack, Meredith, Miller, Noel, Norton, Osborn, Parker, Parks, Porter, Summers, Tackett, Thompson, Walker, Watts, Wise, Wolfe, and Woodruff—45.

So said amendment was not laid on the table.

The question then being,
"Shall the resolution be adopted?"
Messrs. Anthony and Edwards demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Arnold, Brown, Battell, Carr of Clark, Cassatt, Clark, Colms, Dobson, Dole, Dunham, Edwards, Ferguson, Fuller, Griffis, Green, Hamilton, Harding, Harvey, Hatfield, Hendricks, Hicks, Holland, Hostetter, Huffstetter, Hull, Hunt, Jenison, Jones of Blackford, Jones of Greene, Lewis, Mason, McCormack, Meredith, Miller, Monk, Noel, Norton, Osborn, Palmer, Parker, Parks, Porter, Stewart of Laporte, Tackett, Tait, Thompson, Trimble, Walker, Watts, Wilson, Wise, Wolfe, Woodruff, and Yaryan—55.

Those who voted in the negative are,

Messrs. Addleman, Carr of Lawrence, Carnahan, Cravens, Crookshank, Deam, Decker, Gilleece, Hall of Posey, Hall of Warren, Hanna, Harlan, Holman, Huddleston, Huff, Johnson, Julian, Kerr, Lemmonds, Logan, May, Moore, Neal, Nofsinger, Powell, Scott, Secrest, Sleeth, Smiley, Stewart of Fayette, Suit, Summers, Tebbs, Wiley, Young, and Mr. Speaker—36.

So said amendment was adopted.
Mr. Harvey moved to amend by striking out the 1st section.
On this motion,
Messrs. Summers and Crookshank demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Colms, Dole, Edwards, Griffis, Hamilton, Harvey, Hendricks, Hull, Jones of Greene, Julian, Lewis, Logan, Mason, McCormack, Meredith, Miller, Porter, Powell, Sleeth, Stanfield, Stewart of Fayette, Summers, Tackett, Watts, and Wise—26.

Those who voted in the negative are,

Messrs. Addleman, Arnold, Brown, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Cassatt, Clark, Cravens, Crookshank, Deam, Decker, Dowling, Dunham, Ferguson, Fuller, Gilleece, Green, Hall of Posey, Hall of Warren, Hanna, Harlan, Harding, Hicks, Holland, Holman, Hostetter, Huddleston, Huff, Huffstetter, Hunt, Johnson, Jones of Blackford, Kerr, Lemmonds, May, Monk, Moore, Neal, Nofsinger, Norton, Osborn, Palmer, Parker, Parks, Scott, Secrest, Shields, Smiley, Stewart of Laporte, Suit, Tait, Tebbs, Thompson, Trimble, Walker, Wiley, Wilson, Wolfe, Yaryan, Young, and Mr. Speaker—65.

So said amendment was not adopted.

Mr. Ferguson offered the following amendment:

Sec. —. The county recorders shall receive for copying and certifying any instrument of writing, and for recording any deed or other instrument of writing, the sum of nine cents per hundred words, and no more.

Which was,

On motion by Mr. Cravens,

Laid on the table.

Mr. Tait offered the following amendment:

Provided, That whenever the salary of any county clerk, treasurer, auditor, or sheriff, amounts to over fourteen hundred dollars per annum, said overplus shall be paid into the county treasury.

On the adoption of which,

Messrs. Noel and Tait demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Arnold, Brown, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Cassatt, Clark, Cravens, Crookshank, Deam, Decker, Dobson, Dole, Dowling, Ferguson, Fuller, Gordon, Griffis, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Harlan, Harvey, Hatfield, Hicks, Holland, Holman, Hostetter, Huddleston, Huff, Huffstetter, Johnson, Jones of Greene, Kerr, Lewis, Lutz, May, McCormack, Meredith, Monk, Osborn, Palmer, Parks, Porter, Powell, Scott, Secrest, Shields, Sleeth, Smiley, Stanfield, Stewart of Fayette, Summers, Thompson, Trimble, Wiley, Wilson, Wise, Wolfe, Yaryan, Young, and Mr. Speaker—68.

Those who voted in the negative are,

Messrs. Colms, Dunham, Edwards, Gilleece, Hamilton, Hendricks, Hull, Julian, Lemmonds, Logan, Moore, Neal, Noel, Parker, Stewart of Laporte, Suit, Tackett, Tait, Tebbs, Thomas, Watts, and Woodruff—21.

So said amendment was not adopted.

Mr. Fuller moved to lay the bill and amendments on the table.

On this motion,

Messrs. Fuller and Thompson demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Arnold, Carr of Clark, Cassatt, Clark, Colms, Deam, Dole, Edwards, Ferguson, Fuller, Griffis, Hamilton, Harvey, Hatfield, Hicks, Hull, Hunt, Jones of Blackford, Julian, Lewis, Logan, Lutz, McCormack, Meredith, Miller, Neal, Norton, Parker, Powell, Sleeth, Stanfield, Stewart of Fayette, Summers, Tackett, Tebbs, Watts, Wise, Woodruff, and Yaryan—40.

Those who voted in the negative are,

Messrs. Addleman, Brown, Balding, Battell, Carr of Lawrence, Carnahan, Cravens, Crookshank, Decker, Dobson, Dowling, Dunham, Gilleece, Gordon, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Harlan, Hendricks, Holman, Hostetter, Huddleson, Huff, Huffstetter, Johnson, Jones of Green, Kerr, Lemmonds, Mason, May, Monk, Moore, Noel, Nofsinger, Osborn, Palmer, Parks, Porter, Scott, Secrest, Smiley, Stewart of Laporte, Suit, Tait, Thomas, Thompson, Trimble, Walker, Wiley, Wilson, Wolfe, Young, and Mr. Speaker—56.

So said motion did not prevail.

Mr. Watts offered the following amendment:

Amend the bill by letting out annually the offices of auditor and county treasurer and collector to the lowest bidder, who will give bond and security for the discharge of their duties to the satisfaction of the board doing county business, upon four weeks' public notice of said letting.

Which was,

On motion by Mr. Cravens,

Laid on the table.

Mr. Porter moved to reconsider the vote taken on the adoption of the amendment offered by Mr. Balding.

Mr. Cravens moved to lay the motion of Mr. Porter on the table.

On this motion,

Messrs. Cravens and Secrest demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Cravens, Crookshank, Deam, Decker, Dobson, Dowling, Gilleece, Gordon, Griffis, Green, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harvey, Hicks, Holland, Holman, Hostetter, Huddleston, Huffstetter, Jones of Blackford, Jones of Greene, Kerr, Lemmonds, Mason, Monk, Moore, Osborn, Palmer, Parks, Secrest, Shields, Sleeth, Smiley, Suit, Summers, Tackett, Tait, Thomas, Trimble, Wiley, Wilson, Wolfe, Young, and Mr. Speaker—51.

Those who voted in the negative are,

Messrs. Addleman, Arnold, Cassatt, Clark, Dunham, Edwards, Ferguson, Fuller, Harding, Hatfield, Hendricks, Huff, Hunt, Julian, Lewis, Logan, Lutz, Meredith, Miller, Neal, Noel, Nofsinger, Norton, Parker, Porter, Powell, Scott, Stanfield, Stewart of Fayette, Stewart of Laporte, Tebbs, Thompson, Walker, Watts, Wise, and Woodruff—36.

So said motion was laid on the table.

Mr. Watts offered the following amendment:

"Amend by reducing the pay of members of the Legislature to $2 00 per day, to take effect at the present session."

Mr. Cravens moved to lay the amendment on the table.

On this motion,

Messrs. Miller and Watts demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Brown, Balding, Battell, Carr of Lawrence, Carnahan, Cassatt, Clark, Cravens, Deam, Decker, Dole, Dowling, Edwards, Gilleece, Gordon, Griffis, Hall of Posey, Hall of Warren, Hanna, Harding, Harlan, Harvey, Holman, Hostetter, Huddleston, Huff, Huffstetter, Jenison, Johnson, Jones of Greene, Kerr, Lemmonds, Lutz, Mason, May, Monk, Moore, Neal, Nofsinger, Norton, Osborn, Parks, Porter, Scott, Secrest, Stanfield, Stewart of Laporte, Suit, Tackett, Tait, Thomas, Walker, Wiley, Wilson, Wolfe, Woodruff, Young, and Mr. Speaker—58.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Arnold, Carr of Clark, Colms, Crookshank, Dobson, Dunham, Ferguson, Fuller, Green, Hamilton, Hatfield, Hendricks, Hicks, Holland, Hunt, Jones of Blackford, Julian, Lewis, Logan, McCormack, Meredith, Miller, Noel, Palmer, Parker, Powell, Shields, Sleeth, Smiley, Stewart of Fayette, Summers, Tebbs, Thompson, Trimble, Watts, Wise, and Yaryan—39.

So said amendment was laid on the table.

Mr. Porter offered the following amendment:

"That the clerks of probate courts shall not make out complete records of the settlements of estates, except where there shall have been a sale of real estate, and then only so much thereof as has relation to the sale of real estate."

Which was,

On motion by Mr. Cravens,

Laid on the table.

Mr. Watts offered the following amendment:

"Amend by adding the fees of the clerk of the supreme court one-fourth below their present rates."

Which was,

On motion by Mr. Cravens,

Laid on the table.

Mr. Hatfield offered the following amendment:

"*Provided, however*, That the provisions of this act shall not extend to the county of Hancock."

Which was,

On motion by Mr. Cravens,

Laid on the table.

Mr. Colms offered the following amendment:

"Amend so as to require all practising attorneys and physicians to pay a license of thirty dollars each into the county treasury of their respective counties."

Which was,

On motion by Mr. Cravens,

Laid on the table.

Mr. Hull offered the following amendment:

Amend by excepting from the provisions of the bill, "*the county of Jefferson.*"

Which was,

On motion by Mr. Cravens,

Laid on the table.

Mr. Norton offered the following amendment:

"Amend by excepting from the provisions of this bill the county of Elkhart."

Which was,

On motion by Mr. Palmer,

Laid on the table.

Mr. Lutz offered the following amendment:

"Amend the bill by striking out Hamilton county."

Which was,

On motion by Mr. Thompson,

Laid on the table.

Mr. Hull moved to lay the bill and amendments on the table.

On this motion,

Messrs. Logan and Palmer demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Deam, Dobson, Dole, Ferguson, Fuller, Harvey, Hendricks, Hicks, Hull, Lewis, Logan, Lutz, McCormack, Meredith, Miller, Monk, Norton, Porter, Powell, Stanfield, Stewart of Fayette, Summers, Tackett, Tebbs, Watts, Woodruff, and Yaryan—26.

Those who voted in the negative are,

Messrs. Arnold, Brown, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Cassatt, Clark, Colms, Cravens, Crookshank, Decker, Dowling, Dunham, Edwards, Gilleece, Gordon, Griffis, Green, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Harlan, Hatfield, Holland, Holman, Hostetter, Huddleston, Huff, Huffstetter, Johnson, Jones of Greene, Kerr, Lemmonds, Mason, May, Moore, Neal, Noel, Nofsinger, Osborn, Palmer, Parker, Parks, Scott, Secrest, Shields, Sleeth, Smiley, Stewart of Laporte, Suit, Tait, Thomas, Thompson, Trimble, Walker, Wiley, Wilson, Wise, Wolfe, Young, and Mr. Speaker—66.

So said motion did not prevail.

Mr. Julian offered the following amendment:

"That all fees of each and every officer in this State over $1,000 annually, shall be paid over to the treasury of the several counties, to be appropriated to the cultivation and improvement of a certain plant well known by the familiar appellation of "*Buncomb.*"

Which was,

On motion by Mr. Cravens,

Laid on the table.

Mr. Fuller moved to except the county of Warrick from the provisions of the bill.

Which motion was laid on the table.

Mr. Harvey offered the following amendment:

"Amend by excepting the county of Hendricks from the operation of the bill, except as regards the reduction of the fees of clerks."

Which was laid on the table.

Mr. Colms moved to postpone the consideration of the bill and amendments until Monday next.

Mr. Cravens moved to lay the motion on the table.

On this motion,

Messrs. Colms and Watts demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Arnold, Brown, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Cassatt, Clark, Cravens, Crookshank, Deam, Decker, Dobson, Dowling, Edwards, Hall of Posey, Hall of Warren, Hanna, Harding, Harlan, Holland, Holman, Huddleston, Huffstetter, Hunt, Jenison, Johnson, Jones of Blackford, Jones of Greene, Julian, Kerr, Lemmonds, Lewis, Logan, May, McCormack, Monk, Moore, Noel, Nofsinger, Osborn, Palmer, Parks, Porter, Scott, Secrest, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Tackett, Tait, Thomas, Thompson, Trimble, Wiley, Wilson, Wolfe, Yaryan, and Mr. Speaker—61.

Those who voted in the negative are,

Messrs. Anthony, Battell, Colms, Dole, Dunham, Ferguson, Fuller, Gilleece, Gordon, Griffis, Green, Hamilton, Harvey, Hatfield, Hendricks, Hicks, Huff, Hull, Lutz, Mason, Meredith, Miller, Neal, Norton, Parker, Powell, Shields, Sleeth, Summers, Tebbs, Walker, Watts, Wise, Wolfe, and Young—29.

So said motion was laid on the table.

Mr. Miller then moved the previous question;

Which was not seconded by the House.

Mr. Palmer moved to concur in the original amendments as reported by the committee.

Which motion prevailed.

The bill was then,

On motion by Mr. Cravens,

Referred to a select committee, consisting of Messrs. Cravens, Secrest, and Palmer, with instructions to put the bill and amendments in form, and report it back to the House.

Mr. Stanfield, chairman of the judiciary committee, on leave given, made the following report:

Mr. Speaker:

The committee on the judiciary to whom was recommitted the bill of the House No. 144, to amend the execution laws, have had the same under consideration, and directed me to report the same back with one amendment thereto, to be inserted after striking out all after the enacting clause, which, when so amended, recommend its passage.

Which amendment was a new bill.

Mr. Dole offered the following as an amendment to the amendment:

Amend by striking out "one-half," where it occurs in the first section, and insert in lieu thereof "two-thirds."

Which, together with the amendment, was,

On motion,

Laid on the table for the present.

On motion by Mr. Crookshank,

The following message from His Excellency the Governor was taken up.

A message from His Excellency the Governor, by Mr. Hanna, his private secretary.

Mr. Speaker:

I am directed by His Excellency, the Governor, to transmit to the House of Representatives a sealed communication, together with bill of the House No. 41.

December 30, 1846.

To the House of Representatives:

Gentlemen:—Herewith is returned the bill which originated in your body at the present session, entitled "An act to vacate certain streets and alleys in the town of Noblesville, Hamilton county," with my objections thereto, which have induced me to withhold my approval thereof.

The bill provides that so much of the streets and alleys in the town of Noblesville, as divide certain lots therein referred to, be and the same are thereby *recalled*. Upon examination, it would seem that

the bill as originally introduced, provided that the streets and alleys in question should be *vacated*, but that in engrossing it, the word "recalled" was substituted for "vacated," and in this shape it was finally passed in the House, and subsequently in the Senate. As it is uncertain and insensible in its present form, and as its publication would involve useless expense and the necessity of an explanatory act, it is thought better to return the bill forthwith, for such action in the premises as the General Assembly may think advisable.

JAMES WHITCOMB.

December 30, 1846.

The question then being,

Shall the bill pass, notwithstanding the objections of his excellency, the Governor?

And the ayes and noes being called according to the requisitions of the constitution, in such cases made and provided,

Those who voted in the affirmative are,

Messrs. Colms, and Julian—2.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Arnold, Brown, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Cassatt, Clark, Cravens, Crookshank, Deam, Decker, Dobson, Dole, Dowling, Dunham, Edwards, Ferguson, Fuller, Gilleece, Gordon, Griffis, Green, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Harlan, Harvey, Hatfield, Hendricks, Hicks, Holland, Holman, Hostetter, Huddleston, Huff, Huffstetter, Hull, Hunt, Jenison, Jones of Blackford, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Lutz, Mason, May, McCormack, Meredith, Miller, Moore, Neal, Noel, Nofsinger, Norton, Osborn, Palmer, Parker, Parks, Porter, Powell, Scott, Secrest, Shields, Sleeth, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tackett, Tait, Tebbs, Thomas, Thompson, Trimble, Walker, Watts, Wiley, Wilson, Wise, Wolfe, Woodruff, Young, and Mr. Speaker—92.

So said bill did not pass.

Mr. Cravens moved to suspend the rules to take up the following message from the Senate:

Mr. Speaker:

I am directed by the Senate to inform the House, that the Senate have passed the following resolution:

Resolved, That the Senate will, the House of Representatives concurring therein, adjourn *sine die* on the 18th day of January next.

In which the concurrence of the House of Representatives is respectfully requested.

On which motion to suspend the rules,

Messrs. Cravens and Huffstetter demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Arnold, Carr of Clark, Cravens, Decker, Ferguson, Gilleece, Gordon, Griffis, Green, Hall of Warren, Hanna, Harding, Harlan, Harvey, Hicks, Holland, Holman, Huffstetter, Jones of Blackford, Julian, Lutz, McCormack, Meredith, Monk, Moore, Nofsinger, Osborn, Parker, Powell, Scott, Secrest, Shields, Sleeth, Smiley, Stewart of Fayette, Suit, Summers, Tackett, Tait, Thomas, Watts, and Wilson—43.

Those who voted in the negative are,

Messrs. Addleman, Brown, Balding, Battell, Carr of Lawrence, Carnahan, Cassatt, Clark, Colms, Dole, Dowling, Edwards, Hall of Posey, Hamilton, Hatfield, Hendricks, Hostetter, Huddleston, Huff, Hull, Hunt, Johnson, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Mason, May, Miller, Neal, Noel, Norton, Palmer, Parks, Porter, Stanfield, Stewart of Laporte, Tebbs, Thompson, Trimble, Walker, Wiley, Wise, Wolfe, Woodruff, Yaryan, Young, and Mr. Speaker—50.

So the rules were not suspended.

Mr. Secrest, the rules being suspended, made the following report:

Mr. Speaker:

The select committee to whom was referred House bill No. 154, entitled, a bill to amend an act entitled, an act to incorporate the trustees of the Indiana Asbury University, approved January 10th, 1837, have had the same under consideration, and have directed me to report the same back to the House, and respectfully recommend its passage.

Said bill was read a second time, and ordered to be engrossed for a third reading.

Mr. Parker, on leave granted, introduced the following bill:

No. 231. An act to legalize certain proceedings of the probate court of Allen county, Indiana.

Mr. Noel, on leave granted, introduced the following bill:

No. 234. An act to change the name of William Chill, to that of William Darnell.

Which were each read the first time, and the rules being suspended, were read a second and third times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Hanna, on leave granted, introduced the following bill:

No. 233. An act for the relief of Thomas Ross.

Mr. Wolfe, on leave granted, introduced the following bill:

No. 235. An act to legalize the acts of the board of commissioners of Sullivan county and the auditor thereof, and for other purposes.

Mr. Secrest, on leave granted, introduced the following bill:

No. 236. A bill to vacate certain streets in the town of South Greencastle, Putnam county.

Mr. Yaryan, on leave granted, introduced the following bill:

No. 237. A bill to provide for the election of prosecuting attorneys by the people in the several counties.

Mr. Meredith, on leave granted, introduced the following bill:

No. 238. A bill to amend the Cambridge and Muncietown Turnpike Road Company.

Mr. Cassatt, on leave granted, introduced the following bill:

No. 239. An act to provide for electing supervisors by districts in the counties of Wabash and Boone.

Mr. Griffis, on leave granted, introduced the following bill:

No. 240. An act to incorporate the Christian Church on White river, in Stony Creek township, Randolph county, Indiana.

Mr. Arnold, on leave granted, introduced the following bill:

No. 241. An act to amend an act entitled, "an act to incorporate the town of Columbus, Bartholomew county, Indiana," approved February 6, 1839.

Mr. Julian, on leave granted, introduced the following bill:

No. 242. An act to incorporate Jackson Lodge of the ancient order of Eclampses Vitus, of Centreville, Indiana.

Mr. Trimble, on leave granted, introduced the following bill:

No. 243. An act to authorize the receiving of road tax separate from other tax or taxes.

Mr. Meredith, on leave granted, introduced the following bill:

No. 244. An act to amend the charter of Cambridge City.

Which were each read the first time, and ordered to second reading on to-morrow.

Mr. Suit, on leave granted, introduced the following bill:

No. 245. An act for the relief of Joseph Jackson.

Which was read the first time; and,

On motion,

Rejected.

On motion by Mr. Lemmonds,

The House adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, December 31st, 1846.

The House met pursuant to adjournment.

PETITIONS, &c., PRESENTED.

The Speaker laid before the House a petition for the formation of a new county out of the counties of Knox, Greene, and Sullivan.

Which was referred to a select committee of Messrs. Jones of Greene, Ferguson, Harvey, Walker, and Wolfe.

By Mr. Meredith, the petition of Le Roy Woods and others.

Which was referred to a select committee of Messrs. Meredith, Stewart of Fayette, Yaryan, Hendricks, and Tait.

By Mr. Griffis, a petition for the relief of Carey E. Goodrich.

Which was referred to the committee on claims.

By Mr. Noel, a remonstrance against extending the time of holding courts in Marion county.

Which was referred to the select committee who have that subject under consideration.

By Mr. Dobson, the petition of sundry citizens of Owen county for the repeal of the act to confine voters to their respective townships.

Which was referred to a select committee of Messrs. Dobson, Jones of Greene, and Wolfe.

On motion by Mr. Dunham,

A petition on the same subject, heretofore presented, of sundry citizens of Washington county,

Was taken from the table and referred to the same select committee.

By Mr. Trimble, the petition of 73 citizens of Muncie, in Delaware county, praying an incorporation of said town.

Which was referred to a select committee of Messrs. Trimble, Harlan, and Griffis.

By Mr. Powell, a petition to dissolve the bans of matrimony between John Tinkle and Fanny his wife.

Which was laid on the table.

By Mr. Miller, the petition of Eveline Harrison praying a divorce.

Which was laid on the table.

By Mr. Harlan, two petitions of sundry citizens of Grant county, in regard to the payment of road tax in said county.

Which was referred to a select committee of Messrs. Harlan, Jones of Blackford, and Balding.

The Speaker laid before the House a petition for the relief of Nancy James.

Which was laid on the table.

By Mr. Edwards, the petition of James M. Brown praying a divorce.

Mr. Edwards moved to refer the petition and accompanying papers to a select committee with the following instructions:

"Inquire whether the prayer of the petitioner should not be early granted; if so, to report a bill authorizing him to apply at the next or a subsequent term of the Vigo circuit court for the same."

Pending which,

On motion by Mr. Neal,

Said petition and instructions were laid on the table.

By Mr. Wilson, the petition of George Meeker praying for a divorce.

Which was laid on the table.

Mr. Harvey on leave, offered the following resolution:

Resolved, That the State Librarian be and he is hereby instructed, to stop at the earliest practicable moment, the leak over the Representative Hall.

Which was adopted.

By Mr. Scott, the petition of John Gillaspy praying for a divorce from his wife.

Which was laid on the table.

By Mr. Sleeth, a petition from the inhabitants of Middletown, Shelby county, in relation to the vending of spirituous liquors in said town.

Which was referred to the committee on the judiciary.

Mr. Stanfield made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred bill of the House No. 192, "authorizing deeds in certain cases to be made," have had the same under consideration, and direct me to report the same back and recommend it to be laid on the table.

Which was concurred in.

So said bill was laid on the table.

Mr. Julian made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred sundry petitions of sundry individuals of Carroll, Cass, Clinton, and Richardville counties praying the formation of a new county, to be composed of parts of said counties; and also a resolution directing an inquiry into the constitutionality of reducing such counties, in the formation of such new county, to an area of less than four hundred square miles, have had the same under consideration, and have directed me to report, that Carroll county, at present, contains three hundred and sixty-nine square miles, Cass county three hundred and ——— square

miles, Clinton county four hundred and twenty square miles, and Richardville county two hundred and seventy —— square miles.

The 12th section of the 11th article of the Constitution of the State provides, that the General Assembly in laying off any new county, shall not reduce the old county or counties from which such new county shall be taken, to a less content than four hundred square miles. The committee are of the opinion that the foregoing section of the constitution applies to the case under consideration, and that the Legislature has *no power* to reduce either of the counties, out of which the new county is asked to be made, to an extent less than four hundred square miles.

None of the counties containing at present even that number of square miles, except Clinton, and it but twenty square miles over that quantity, the committee are of the opinion that if a new county should be formed, it would have to be composed *entirely* of the twenty square miles belonging to Clinton county; and the committee are of the opinion that it would be inexpedient to form such county. Independent, however, of all constitutional objections to the formation of a new county as prayed for, the committee are of the opinion that the counties, as they now are, are too small, and that it would be improper and inexpedient to increase the number and thus decrease the size.

The committee ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Dunham made the following report:

Mr. Speaker:

The committee on the judiciary to whom was referred House bill No. 163, entitled "An act to amend the 48th and 49th sections of the 2d article of the 29th chapter of the Revised Code of 1843," have had the same under consideration, and have instructed me to report the same back, and recommend that it be indefinitely postponed, and said committee ask to be discharged from the further consideration thereof.

Said bill was read a second time and indefinitely postponed.

Mr. Harvey made the following report:

Mr. Speaker:

The committee on the judiciary to whom was recommitted a resolution of the House in relation to a *ne exeat* law, with instructions to report a bill, in performance of that duty have instructed me to re-

port the accompanying bill, and said committee ask to be discharged from the further consideration of the subject:

No. 246. An act to authorize writs of *ne exeat.*

Which was read a first time and ordered to a second reading.

Mr. Porter made the following report:

MR. SPEAKER:

The judiciary committee, to which was referred bill of the House No. 202, entitled "A bill to amend chapter 1, of the Revised Statutes of 1843," have had the same under consideration, and have directed me to report the same back to the House and recommend its passage.

Said bill was read a second time and ordered to be engrossed for a third reading.

Mr. Porter made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred House bill No. 63, entitled "A bill regulating chancery practice," have had that bill under consideration and have directed me to report the same back without amendment and recommend its passage.

Said bill was read a second time and ordered to be engrossed for a third reading.

Mr. Julian made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a resolution of the House directing an inquiry into the expediency of enacting a law by which choses in action may be subjected to the payment of debts by bill in chancery, have had the same under consideration and have directed me to report the following bill and recommend its passage, and the committee ask to be discharged.

No. 247. A bill to subject certain kinds of personal property to the payment of debts by bill in chancery;

Was read a first time and ordered to a second reading.

Mr. Hunt made the following report:

MR. SPEAKER:

The committee on education, to whom was referred a resolution of the House instructing said committee to inquire into the expedi-

ency of "so amending the school laws that the return of the number of children between five and twenty-one years of age, required to be made by the township trustees to the county auditor, be made on or before the third Monday in August, instead of the third Monday in February as now required by law," have considered the subject, and directed me to report that the advantages which might be attained by such amendment would not be sufficient to warrant further legislation on the subject.

Which was concurred in.

Mr. Hunt made the following report:

MR. SPEAKER:

The committee on education, to whom was recommitted a bill of the House, No. 194, with instructions to amend the same, have reconsidered the subject, and, in accordance with said instructions, directed me to report the same back to the House, with one amendment, and recommend its passage.

No. 194. An act to amend the fifth section of chapter 12, of Revised Statutes of 1843;

Was read a second time and referred to a select committee of Messrs. Secrest, Cravens and Porter.

Mr. Meredith made the following report:

MR. SPEAKER:

The standing committee on roads have had under consideration, according to order, the petition of Thomas Forsey and others, praying for the location of a State road from Salem, in Washington county, by Lawrenceport, to Bedford, in Lawrence county, and have instructed me to report the accompanying bill, in compliance with the prayer of said petition, and recommend its passage.

No. 248. A bill to locate a State road therein named;

Was read a first time and ordered to a second reading.

Mr. Lewis made the following report:

MR. SPEAKER:

The committee on canals and internal impravements, to whom was referred the petition of the Delphi Forwarding and Storage Company, in the county of Carroll, State of Indiana, praying that the side cut constructed by said company may be declared part of the Wabash and Erie canal, have had the same under consideration and instructed me to report that legislation on the subject at this

time would be inexpedient, and ask that the committee be discharged from the further consideration of the subject.

Which was laid on the table.

Mr. Stewart of Fayette made the following report:

Mr. Speaker:

The committee on trust funds, to which was recommitted bill of the House, No. 11, in relation to the loaning of the school funds, report the bill back to the House, amended as instructed by the House.

Said amendment (a new bill) was concurred in, and said bill read a second time and ordered to be engrossed for a third reading.

Mr. Noel made the following report:

Mr. Speaker:

The committee on public buildings, to which was referred a resolution directing an inquiry into the expediency of granting or of otherwise disposing of that part of the plat of the town of Indianapolis, and the building thereon, bounded by and included within Circle street, to the corporation of said town: *Provided*, said corporation will, within a reasonable time, erect thereon a building which shall be so constructed as to afford suitable rooms for the State officers, &c., have had that subject under consideration, and have instructed me to report the following bill:

No. 249. A bill to provide for the plan of a State building to be erected in the city of Indianapolis;

Was read a first time and ordered to a second reading.

Mr. Thompson made the following report:

Mr. Speaker:

The select committee to which was referred the petition of Thomas Wheatley and others, of Perry county, have duly considered the same and directed me to report the following bill:

No. 250. A bill in regard to the former surplus revenue agent in Perry county, (John Elder,) and his securities;

Was read a first time and ordered to a second reading.

Mr. Secrest made the following report:

Mr. Speaker:

The select committee to which was referred bill of the House 110,

"a bill to change the time of holding courts in the seventh judicial circuit, and for other purposes, have had the same under consideration, and have directed me to report the same back to the House, with one amendment, and respectfully recommend its passage.

Amend, by adding after the word court in the 2d line of 5th section, the words "or board of commissioners;" also, after the words probate court, in 4th line of said section, or board of commissioners.

Said amendments were concurred, and the bill, as amended,

Was read a second time, and ordered to be engrossed for a third reading.

Mr. Cravens made the following report:

Mr. Speaker:

The select committee to whom was referred bill of the House No. 69, with instructions to put the bill and amendments in form, have performed that duty, and now report the bill back to the House, and recommend its passage.

No. 69. A bill defining the duties of clerks of the probate courts;

Was read a second time;

And on the question of its engrossment,

Messrs. Thompson and Carr of Lawrence demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Arnold, Brown, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Cassatt, Cravens, Dobson, Dowling, Dunham, Ferguson, Fuller, Gilleece, Green, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Harvey, Holland, Holman, Hostetter, Huddleston, Huff, Huffstetter, Jenison, Johnson, Jones of Blackford, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Lutz, Mason, May, Monk, Moore, Neal, Nofsinger, Osborn, Palmer, Parks, Porter, Scott, Secrest, Shields, Sleeth, Smiley, Stewart of Fayette, Suit, Tait, Thomas, Thompson, Trimble, Walker, Wiley, Wilson, Wolfe, Yaryan, Young, and Mr. Speaker —67.

Those who voted in the negative are,

Messrs. Clark, Colms, Deam, Decker, Dole, Edwards, Gordon, Griffis, Harlan, Hatfield, Hendricks, Hicks, Hull, Hunt, Julian, McCormack, Meredith, Miller, Noel, Norton, Powell, Stanfield, Stewart of Laporte, Summers, Tackett, Tebbs, Watts, Wise, and Woodruff—29.

So said bill was ordered to be engrossed for a third reading.

On motion by Mr. Summers,

The House adjourned until two o'clock, P. M.

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2 o'clock, P. M.

House met.

Mr. Noel, on leave, introduced the following:

Resolved, That the Principal of the State Institution for the education of the deaf and dumb be requested to give an exhibition of the pupils on to-morrow afternoon at two o'clock, in this Hall.

Which was adopted.

Mr. Cassatt, on leave, introduced the following:

WHEREAS, a large amount of bills and other business has accumulated and is accumulating in this House: AND WHEREAS, the said bills and other business has not been, nor probably will be acted upon during this session without increasing the length of our daily sittings:

Therefore be it resolved, That during the remainder of this session, this House will meet each day it may sit, at the hour of 8 o'clock, A. M., and will not adjourn (except for one and a half hours at noon,) until the hour of four o'clock, P. M.

Which was laid on the table.

Mr. Suit moved to suspend the rules in order to take up the resolution of the Senate in regard to adjournment;

Which motion did not prevail.

Mr. Watts moved to take up bill No. 208;

Which did not prevail.

ORDERS OF THE DAY.

No. 19, (Senate.) An act to incorporate Anderson's Collegiate Institute;

Was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

HOUSE BILLS ON THIRD READING.

No. 146. An act to repeal an act entitled, "an act changing the time of holding the probate courts in the county of Allen, and for other purposes," approved Dec. 22d, 1845, and for other purposes;

No. 148. An act for the relief of John McIntire, Clark M. Anthony, Joseph P. Glezen, and for other purposes;

No. 149. An act authorizing the location of a State road in the counties of Kosciusko and Marshall;

No. 150. A joint resolution relative to the duties of the superintendent of the Central Canal;

No. 151. A joint resolution in relation to the claim of Francis Vigo, late a citizen of Knox county, Indiana;

No. 154. An act to amend an act entitled, "an act to incorporate the trustees of the Indiana Asbury University," approved January 10, 1837;

No. 155. An act to locate a State road from Logansport, to Marion, in Grant county;

No. 156. An act in relation to the common school fund in the county of Jackson;

No. 158. An act to amend an act entitled, "an act to relocate a portion of the State road leading from Greenfield, Hancock county, to Lebanon, in Boone county," approved January 15, 1846;

No. 159. An act authorizing the superintendent of the Wabash and Erie Canal, to settle with Gookins, Barnes, and Thomas;

No. 160. An act declaring an act therein named to be a misprint;

No. 161. An act for the safe-keeping of the records of Ohio county;

No. 166. An act to locate a State road in the counties of Wells and Adams;

No. 167. An act to locate a State road in the counties of Richardville and Carroll;

No. 169. An act for the improvement of the Cambridge City and Fort Wayne State road in the county of Wells;

No. 170. An act for the better protection of religious assemblies;

No. 171. An act to relocate a portion of the State road in Carroll county;

No. 174. An act for the relief of James Kitchens, of Gibson county;

No. 175. An act to locate a State road in the counties of Grant and Madison;

No. 176. A joint resolution relative to the Cumberland road;

No. 177. A joint resolution in relation to actual settlers on Congress lands;

No. 178. An act to incorporate the Logansport and Wabash Free Bridge Company;

No. 180. An act to legalize the acts of Soloman M. Semans, a justice of the peace of White River township, in Randolph county;

No. 183. An act transferring the duties of school commissioner in Crawford county, to the county treasurer of said county;

No. 184. An act amendatory of an act entitled, "an act for the relief of James S. Mayes, late school commissioner of Knox county," approved January 20, 1846;

No. 185. An act to incorporate the trustees of the Underwood Burying Ground;

No. 186. An act to provide for the recording of bonds and letters of guardians;

No. 187. An act to incorporate the Kosciusko Medical Society of Kosciusko county, Indiana;

No. 188. An act to change the name of Anna James to that of Anna Churchman;

No. 189. An act to authorize Gabriel Johnson to build a mill dam across the Mississinnewa river, in Grant county;

No. 195. An act to locate a certain road therein named;

No. 196. An act to authorize Jonathan W. Elliott to use the water power at the Mount Pleasant mills, in Noble county;

No. 197. An act to incorporate the Institute of Fine Arts of Bowling Green, Clay county, Indiana;

No. 203. An act to authorize the Johnson circuit court to hold adjourned sessions thereof;

No. 205. An act for the improvement of the river Patoka, in Gibson county;

Which were each severally read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 198. An act requiring the Indiana Mutual Fire Insurance Company to report to the Legislature;

Was read a third time and laid on the table.

HOUSE BILLS ON SECOND READING.

No. 206. A bill authorizing township trustees in the county of Huntington, to make rivers the boundary lines of road districts when considered necessary;

No. 207. An act to locate a State road in the counties of Wells, Blackford, and Jay;

No. 209. A bill to more particularly define the boundary line between the counties of Gibson and Warrick;

No. 210. A bill to legalize the election of trustees of the town of Vernon, Jennings county:

No. 211. An act entitled "an act to repeal an act regulating road tax in the county of Jasper;

No. 213. An act to establish a certain State road therein named;

No. 214. An act to amend section 128, chapter 16, Revised Statutes, 1843;

No. 218. An act to amend an act to extend an act to Madison county;

No. 219. An act to appropriate the necessary means for the execution of the laws in arresting or recapturing fugitives from justice;

No. 220. A joint resolution of the General Assembly of the State of Indiana;

No. 224. An act relative to granting letters of guardianship;

No. 226. An act to vacate certain streets and alleys in Cambridge City;

No. 227. An act for the relief of William Taggart, and his securities;

No. 228. An act to legalize the proceedings of the board of commissioners of Adams county, and for other purposes;

No. 230. A bill for the relief of the purchasers of saline lands in the county of Orange;

No. 235. An act to legalize the acts of the board of county commissioners of Sullivan county, and the auditor thereof, and for other purposes;

No. 236. A bill to vacate certain streets in the town of South Greencastle, Putnam county;

No. 238. A bill to amend the Cambridge City and Muncietown Turnpike Company;

No. 239. An act to provide for electing supervisors by districts in the counties of Wabash and Boone;

No. 240. An act to incorporate the Christian Church, on White river, in Stony Creek township, Randolph county, Indiana;

No. 243. An act to authorize the receiving of road tax separate from other tax or taxes;

No. 244. A bill to amend the charter of Cambridge City;

Were each severally read a second time and ordered to be engrossed for a third reading.

No. 215. An act to amend an act entitled an act granting to the citizens of Madison and the town of Lawrenceburgh, a city charter;

Was read a second time and referred to the committee on corporations.

No. 217. A bill fixing the time of holding the terms of the probate court in the county of Marion;

Was read a second time and referred to a select committee of Messrs. Stanfield, Moore and Colms.

No. 216. An act for the further relief of the volunteers of the State of Indiana;

Which was read a second time and amended,

On motion by Mr. Palmer,

As follows:

"Or who have been discharged from such service;"

And the bill as amended,

On motion,

The rules being further suspended, read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 222. An act to amend section 414, of chapter 40, of the Revised Statutes of 1843, relative to the advertising of real estate at sheriff's sale;

Was read a second time and referred to the committee on the judiciary.

No. 223. A bill extending the provisions of the sixth clause of section 165, of chapter 12, Revised Code of 1843, to certain persons therein named;

Was read a second time and laid on the table.

No. 225. An act to compel non-residents to pay a road tax equal to that of residents;

Was read a second time and amended as follows:

After the word "non-residents," add, "or others;" also by adding to the first section, "and paid over to the proper supervisor."

No. 229. A bill to amend the school law;

Was read a second time and referred to the committee on education.

No. 230. An act for the relief of E. F. Lucas;

Was read a second time and laid on the table.

No. 232. An act for the relief of Thomas Ross;

Was read a second time and referred to the committee on canals and internal improvements.

No. 237. A bill to provide for the election of prosecuting attorneys, by the people, in the several counties;

Was read a second time when Mr. Secrest moved to indefinitely postpone the bill.

On this motion,

Messrs. Colms and Yaryan demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Arnold, Balding, Battell, Carnahan, Deam, Fuller, Gilleece, Harvey, Huff, Jenison, Jones of Greene, Lemmonds, Logan, Miller, Nofsinger, Osborn, Palmer, Porter, Secrest, Suit, and Thompson—21.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Brown, Carr of Clark, Carr of Lawrence, Colms, Crookshank, Decker, Dobson, Dole, Dowling, Edwards, Ferguson, Gordon, Griffis, Green, Hall of Posey, Hamilton, Hanna, Harding, Harlan, Hatfield, Hendricks, Hicks, Holland, Holman, Hostetter, Huddleston, Huffstetter, Hull, Hunt, Johnson, Jones of Blackford, Julian, Kerr, Lewis, Lutz, Mason, May, McCormack, Meredith, Monk, Moore, Neal, Noel, Norton, Parker, Parks, Powell, Scott, Shields, Sleeth, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Summers, Tacket, Tait, Thomas, Trimble, Walker, Watts, Wiley, Wilson, Wise, Wolfe, Woodruff, Yaryan, Young, and Mr. Speaker—73.

So said bill was not indefinitely postponed; and,

On motion,

The bill was referred to a select committee of Messrs. Colms, Yaryan, and Neal.

No. 241. An act to amend an act entitled "an act to incorporate the town of Columbus, in Bartholomew county, Indiana, approved February 6th, 1839;

No. 242. An act to incorporate the Jackson Lodge of the Ancient order of E. Clampses Vitus, of Centreville, Indiana;

Were each read a second time and referred to the committee on corporations.

Mr. Holland, on leave given, introduced bill

No. 251. A bill providing for the settlement of a claim of Adam Modennel;

Was read a first time and ordered to a second reading.

Mr. Secrest, on leave, offered the following:

Resolved, That the committee on agriculture be instructed to inquire into the expediency of providing, by law, for the more effectual protection of sheep from destruction by dogs:

1st. By authorizing any person to kill dogs found upon his premises, without the presence of the owner of such dog, or other person having the care thereof.

2nd. Whether it would be expedient to provide a dog tax fund for each county or township, sufficient to pay for all sheep killed or injured by dogs therein.

3rd. Whether the owner of a dog should not pay for sheep killed by such dog, whether he had previous knowledge of the mischievous propensities of such dog or not.

Which was adopted; and,

On motion by Mr. Carr of Lawrence,

The House adjourned until to-morrow morning, 9 o'clock.

FRIDAY MORNING, January 1st, 1847.

The House met pursuant to adjournment.

Mr. Harlan moved a call of the House;

Which was seconded.

After some time spent therein,

On motion by Mr. Summers,

A further call was suspended.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Gilleece, the memorial of Elias Murray;

Which was referred to the committee on claims.

By Mr. Tait, the petition of sundry citizens of Lafayette, asking a charter for the Independent Order of Odd Fellows;

Which was referred to the select committee who have that subject under consideration.

By Mr. Wolfe, the remonstrance of sundry citizens of Sullivan county, against the formation of a new county out of part of Greene, Sullivan, &c.;

Which was referred to the select committee who have that subject under consideration.

By Mr. Clark, the memorial of Margaret Wade, of Lagrange county;

Which was referred to the committee on corporations.

By Mr. Dole, the petition of Edmund James, and others, in relation to the protection of camp meetings;

Which was laid on the table.

By Mr. Secrest, the memorial of the trustees of the Indiana Asbury University;

Which was referred to the committee on education.

Mr. Crookshank, on leave, introduced the following:

Resolved, That the select joint committee to whom was referred the bill supplementary to an act to provide for the funded debt of the State of Indiana, be empowered to employ a clerk when, in the opinion of said committee, such clerk may be necessary.

Which was adopted.

Mr. Moore made the following report:

Mr. Speaker:

The committee on education, to whom was recommitted sundry resolutions of this House on the subject of creating a superintendent of common schools, and also instructions of this House to report a bill on that subject, in obedience to those instructions, report the following bill:

No. 252. A bill to provide for a superintendent of common schools;

Was read a first time and ordered to a second reading.

Mr. Nofsinger made the following report:

Mr. Speaker:

The committee on education, to whom was referred House bill 199, "An act for the relief of Dempsey Linton of Randolph county," have had the same under consideration and directed me to report it back and recommend its passage with the following amendment, viz: Insert at the end of the first section and after the figures "1842," "and also all costs that may have accrued on account of said forfeitures."

Which amendment was concurred in, and said bill was read a second time and ordered to be engrossed for a third reading.

Mr. Hunt made the following report:

MR. SPEAKER:

The committee on education, to whom was referred a resolution of the House instructing said committee to inquire into the expediency of so amending the school law as to authorize petitioners for the division of school districts to appeal from the decision of the township trustees to the county board of the proper county.

Also, a petition from sundry citizens of Washington county, praying the formation of a new school district out of certain other districts therein named.

Also, a remonstrance of forty-one citizens remonstrating against the formation of such new school district, have considered the subject and directed me to report that it is inexpedient to legislate on that subject.

Which was laid on the table.

Mr. Secrest made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of Jefferson Walls and David Rudisill, citizens of the town of Greencastle, in Putnam county, praying that certain alleys in said town may be vacated, have considered the subject referred to them, and have directed me to report the following bill and recommend its passage:

No. 253. A bill to vacate certain alleys in the town of Greencastle, Putnam county;

Was read a first time and ordered to a second reading.

Mr. Colms made the following report:

MR. SPEAKER:

The select committee to whom was referred the bill of the Senate No. 64, for the relief of David Burr, have had the same under consideration, and have unanimously directed me to report the same back to the House with the following amendments, to-wit: In the last line on first page strike out the word *said* and insert "such," so as to make it read *such* tract or tracts, and on page second, fourth line, amend by striking out the words "whether for payment of principal," and in the fifth line, first word, strike out "made" and insert "paid," and respectfully recommend its passage.

Said amendments were concurred in, and said bill read a second time and ordered to be engrossed for a third reading.

Mr. Hamilton made the following report:

Mr. Speaker:

The select committee, to whom was referred the petition of William Camden and Hugh Sidwell and wife, relative to changing the name of Eliza Ann Camden, have had the same under consideration and have instructed me to report the following bill and recommend its passage:

No. 254. A bill to change the name of Eliza Ann Camden to Eliza Ann Sidwell;

Was read a first time and ordered to a second reading.

Mr. Miller made the following report:

Mr. Speaker:

The select committee to whom was referred the petition of John Simpson and others, citizens of Gibson county, praying for an appropriation by this General Assembly of a sum of money to improve certain roads in said county, have had the same under consideration according to order, and respectfully report that they consider the object of the petition of great importance to the citizens of said county, as well as to the citizens of large regions of country both in the States of Kentucky and Illinois, the roads sought to be improved leading from Mount Carmel, in Illinois, by Owensville, to Evansville, in this State, and thence to Owensboro and Henderson, in Kentucky, which, by being improved so as to be made passable at all seasons of the year, would facilitate travel, improve the health, and also tend to reclaim a large quantity of land in the said county of Gibson, which is now worthless from being subject to be overflowed with water for a considerable portion of the year.

But your committee are aware of the impropriety of setting a precedent by recommending the passage of a law granting the prayer of said petition, which might be seized on and taken advantage of by the citizens of every county in the State, who might think themselves as well entitled to special appropriations from the State treasury for the improvement of their roads as the county of Gibson, in which case the treasury would be unequal to the demands for this purpose alone.

The select committee, however, considering that the contemplated improvement of the roads mentioned in the petition would be of great importance and benefit to the General Government as well as to a large amount of the population of Kentucky, Illinois and this State, by draining some fifty sections of government land which are now valueless, and across which the roads sought to be improved

pass, and reclaiming them from the overflow of waters which are prevented from finding a passage or discharge into the Wabash river by the high banks of that river, have instructed me to turn the attention of the petitioners for relief from this General Assembly to the Congress of the United States, and to report the accompanying preamble and joint resolution.

No. 255. A joint resolution to Congress for a grant of certain lands lying in the county of Gibson;

Was read a first time and ordered to a second reading.

Mr. Monk made the following report:

Mr. Speaker:

The select committee to whom was referred the petition of William Nash and others, citizens of Crawford county, have had the same under consideration, and deem it inexpedient to legislate further thereon.

Which report was concurred in.

Mr. Shields made the following report:

Mr. Speaker:

The select committee to whom was referred the petition of sundry citizens of Boone county, asking the privilege of electing an additional justice of the peace and constable for a certain township therein named, have had the same under consideration, and have directed me to report the accompanying bill, and recommend its passage:

No. 256. A bill to provide for the election of an additional justice of the peace and constable in Jackson township in Boone county.

Which was read a first time and ordered to a second reading.

Mr. Colms made the following report:

Mr. Speaker:

The select committee to whom was referred bill No. 237, entitled "*A bill to provide for the election of prosecuting attorneys by the people in the several counties*," have had the same under consideration, and instructed me to report the same back to the House without amendment, and unanimously recommend its passage.

Said bill was read a second time and ordered to be engrossed for a third reading.

Mr. Arnold made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of certain citizens of Bartholomew county, praying the passage of an act incorporating a Bridge Company, have had the same under consideration, and have directed me to report the following bill in accordance with the prayer of the petitioners, and respectfully recommend its passage:

No. 257. An act to incorporate the Columbus Bridge Company.

Which was read a first time and ordered to a second reading.

Mr. Thompson made the following report:

MR. SPEAKER:

The select committee to whom was referred a bill of the House of Representatives No. 147, entitled "A bill to amend the 40th section of chapter 35 of the Revised Statutes of 1843," have duly examined the bill and made several amendments, to which the concurrence of the House is respectfully requested.

Amend as follows:

"Also when the husband shall have been a habitual drunkard for the space of one year immediately preceding the filing of the petition or bill for a divorce, or where he has neglected to provide for his family for a reasonable length of time.

"SEC. 2. In a suit by a female for a divorce, there shall be no cost taxed against her; and it shall hereafter be the duty of the prosecuting attorney in such county whenever a suit is brought by or against a female for a divorce, to appear in her behalf.

"SEC. 3. This act shall be in force from and after its passage."

Said amendments were concurred in by the House.

Mr. Dunham offered the following amendment:

"Or for a shorter period than one year, when the court is satisfied that both parties will consent to the divorce."

Which was not adopted.

Said bill as amended was ordered to be engrossed for a third reading.

Mr. Thompson made the following report:

MR. SPEAKER:

The select committee to whom was referred a resolution instructing an inquiry into the policy of providing by law that when a defendant is sued by a physician he may plead, in bar to a recovery, that the physician was incompetent to practice medicine, have duly taken the subject under consideration, and have instructed me to report the following bill:

No. 285. A bill in regard to suits brought by practicing physicians.

Which was read a first time and ordered to a second reading.

Mr. Moore made the following report:

MR. SPEAKER:

The select committee to whom was referred bill of the House No. 217, "Fixing the time of holding the probate court in the county of Marion," have had the same under consideration, and directed me to report the same back to the House, and recommend its passage.

Said bill was read a second time and ordered to be engrossed for a third reading.

Mr. Dunham made the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No. 5, entitled "An act providing for holding a convention to revise and amend the constitution of the State of Indiana," have had the same under consideration, and a majority thereof have instructed me to report the same back to the House with the accompanying amendments, and when so amended, to recommend its passage, and the committee ask to be discharged from the further consideration of the subject.

1. Amend the preamble by striking out all after "majority of," in the tenth line, and insert the following: "the votes given at said election, in reference to calling such convention, was given in favor of calling the same therefor."

2. Amend section 8th, in the second line, by inserting before the word "candidates," "*candidates or*," and by inserting after said word "*person*."

3. Amend section 12, in the second and third lines, by striking out the words "*president thereof*," and inserting in lieu thereof, "*Governor of the State*."

4. Amend section 16, in the second line, by striking out "three" and inserting in lieu thereof "two."

Mr. Neal moved to indefinitely postpone the bill.

Which was withdrawn for the purpose of admitting the following report, made by Mr. Dowling, from the minority of said committee:

MR. SPEAKER:

The undersigned, a minority of the select committee to which was referred the bill providing for calling a convention to alter, revise,

or amend the constitution of this State, have had the same under consideration, and respectfully report:

That, after giving to the important matter submitted to their consideration all the attention which their limited time would permit, they regret to find themselves compelled to dissent from the views of the majority of the committee, who have, (as they think,) unwarrantably assumed that, in the meagre vote cast by the people for and against calling a convention at the late gubernatorial election, they have decided, by a constitutional majority, in favor of calling a convention to alter, revise, or amend the constitution of the State. The undersigned are at a loss to conceive how any person, under the most latitudinarian system of construction, can find any thing in the letter or spirit of the constitution to justify the conclusions to which the majority of the committee have arrived, and which they seem to think justify their reporting the bill back to the House, with a recommendation in favor of its passage. That the House may fully understand the reasons upon which our opinions are founded, we ask its candid attention to so much of the first section of the eighth article of the constitution as set forth the mode and manner in which that instrument shall be amended. It provides that—

"Every *twelfth* year after this constitution shall have taken effect, [1816,] at the general election had for Governor, there shall be a poll opened, in which the qualified electors of the State shall express, by vote, whether they are in favor of calling a convention or not; and *if there should be a majority of* ALL *the votes given at such election* in *favor of a convention*, the Governor shall inform the next General Assembly thereof; whose duty it shall be to provide by law for the election of members to the convention, the number thereof, and the time and place of meeting; and which law shall not be passed unless agreed to by a *majority of all the members elected* to both branches of the General Assembly," &c.

Now, nothing appears more conclusive to our minds, than that the "majority" contemplated in this provision, (to repeat the language of the constitution itself,) was "a *majority of all the votes given at such* [gubernatorial] *election*." The framers of the constitution, as if particularly anxious to guard against the instability and love of change natural to man, immediately after, expressly provide, also, that the law calling a convention shall not pass, *unless agreed to by a majority of* ALL *the members* ELECTED *to both branches of the General Assembly*." Thus it will be seen that "a majority of *all* the members *present* (although constituting a quorum,) cannot, as in *ordinary* cases of legislation, pass the bill calling a convention now before the House—a fact, in our opinion, calculated to confirm still more, the conviction that, where the word "majority" is used in the preceding part of the section, it means just what it says, viz: "a majority of *all* the votes cast at such [gubernatorial] election.

So far from a majority of all the persons voting at the late election favoring the call of a convention, that the Governor informed

the Legislature in his late annual message, that only "32,521 votes were cast for, and 27,485 against it." His excellency further adds (as if to express his doubt, if not his opinion, on the subject,) that "the aggregate number of votes returned as having been cast upon that question, is *less than one half* of the number of voters who attended the polls and voted upon *other* questions; and that, from *thirteen* counties, no returns whatever, have been received." The whole number of polls in the State, according to the same authority, is 126,969, which shows that only a small fraction over *one fourth* of the legal votes of the people were cast in favor of calling a convenvention! whilst the voters of *thirteen* organized counties, (judging from the absence of returns from them,) do not appear to have known that any such question was at all submitted to their consideration and decision! Have we any evidence that, in these thirteen counties, the sheriffs complied with the requisitions of the sixth section of the act of January last, providing for the vote on calling a convention, or that they had given the required notice of six weeks that such a poll would be opened? or that the judges of the elections opened a poll, in which to "enter all the votes given for and against" the call, as required by the first section of the same law? The act of last session is universally acknowledged to be very vague and inexplicit in many particulars, but especially as to whether the votes given for other officers would be counted for or against a convention where the voter was silent on the subject; and yet, defective as the act is, and difficult as it is to be understood, we have no evidence that its provisions have been carried out or complied with by the sheriffs and judges of elections in the thirteen counties referred to.

The eighth article, before quoted, further provides, that, "if there should be a majority of all the votes given at such election," in favor of a convention, "the Governor *shall* inform the next General Assembly thereof." The question then is, has such constitutional majority been cast; and, if so, has the Governor complied with the imperative injunction of the constitution? Had he believed the vote was such as to authorize the call of a convention, can any one doubt that he would, as in duty bound, have frankly and explicitly said so? Instead, however, of giving his opinion affirmatively, he very significantly says, that "*less than one half* of the number of voters who attended the polls, and voted upon other questions," voted *for* and *against* a convention, and that, from *thirteen* counties, no returns whatever have been received." Thus, in addition to the plain common sense of the case, the minority think they may fairly quote the high authority of our State executive against the assumption of the majority of your committee, that the constitutional majority of the people, at the late election, have decided in favor of the call of a convention.

If it were necessary, numerous instances could be given, where gentlemen of high legal acquirements refused to vote at the late election either for or against a convention, under the impression that

their votes cast for one or the other of the gubernatorial candidates would be counted in the negative against it. That an act so ambiguous should be misunderstood or misconceived by thousands of humble citizens, is not at all to be wondered at. Others again, (and this number is far from inconsiderable,) believed that the clause of their constitution providing for such vote every *twelfth* year was not only declaratory of the imperative duty of the General Assembly to do so, at the periods stated, but that it also operated as a *limitation* of the power of the legislature to do so, at any other period, during the intervening time. The very large class of citizens who honestly entertained these views, and who therefore declined to vote under what they conscientiously believed to be an unconstitutional act, may be fairly and legitimately counted with the minority of the votes cast against a convention, and, we have no hesitation in saying, if added to the 27,485 who voted against the expediency of the call, they would form an aggregate greatly outnumbering the meagre majority of 5,036 in its favor. If to this there be added all those who construed the constitutional provision providing for its own amendment, to mean what it says, that "a majority of all the votes cast at a gubernatorial election was absolutely and indispensably necessary to authorize the call of a convention, and who therefore supposed that all votes given for either of the candidates for Governor, but not cast either for or against a convention, would be counted against the call—the tide of popular sentiment against the conclusions of the majority of the committee, will be still more apparent. Such an array of popular opinion ought to convince the most skeptical, that this General Assembly cannot, under the constitution, or without violating its plain and obvious provisions, call a convention to revise, alter, or amend the organic law of our State. To do so, no better warrant than the meagre vote of last August, would, in our humble opinion, be a revolutionary proceeding, calculated to establish a precedent of dangerous tendency, and which, in its ultimate consequences, could not fail to weaken the conservative influence of the constitution as a barrier to protect the weak against the strong, —the rights of minorities against the aggressive spirit of superior numbers and physical force. Besides, to assume that the meagre vote of last August decided the question in favor of the call of a convention, proves too much; because, if true, it is equally clear that if only *twenty* had voted for, and *nineteen* against the call, instead of the 32,000 being votes cast in its favor, we would then be called upon to witness the singular spectacle of a convention assembled to alter, amend, or change the constitution, at the instance, and to gratify the notions of *twenty* individuals, out of a population of more than 850,000! Adopt the principle, and there is no stopping place; and it is immaterial whether the aggregate vote for a convention is 20 votes, or 30,000—a bare majority of one out of twenty votes would be a complete justification of legislative action preparatory to such an assemblage! The absurdity of construing the constitution in a

manner involving such ridiculous results, must, we think, be obvious to all; and should carry conviction to every unprejudiced mind that the able and common sense men who framed our constitution, could not have meant, in the section and article quoted, any thing more nor less, than what the words themselves convey, that "a majority of all the votes given at a gubernatorial election," was absolutely necessary to justify the passage of an act by the General Assembly providing for the call of a convention.

Independent of these considerations, the minority of your committee consider it good policy, in cases where legitimate doubts exist as to what is the wish of the people, that their servants should not take the responsibility of acting precipitately upon assumed or questionable views, when, by referring such doubts back to the people themselves, they can, without unnecessary or injurious delay, dispel them by another and more direct expression of the popular vote. This mode of dissolving doubts is peculiarly applicable to such a question as that of calling a convention, involving, as it does, consequences of such grave import to the liberties, as well as to the pockets of the people. The people are the true sources of all political power, and, in cases of doubt, it is always safe and proper, in a republican government, to consult them. The ablest jurists in the land repudiate the idea that the meagre vote of last August was such a one as the constitution renders necessary as the prelude to legislative action in calling a convention; whilst others again, equally learned in the law, doubt if such a convention can be called oftener than once in twelve years.

There is another view of the case which should, (the minority think,) have some influence in abating the hot haste of those who *assume* that the people have spoken affirmatively on this subject. It is this: The very apathy evinced by the small popular vote is a strong argument to prove that the defects in our present constitution are not, in their estimation, sufficiently glaring to arouse the people to go to the polls, and by their votes, prepare the way for their correction and amendment. That it has defects, and that the State has outgrown some of its provisions, few will deny; but it is not left to the "enlightened few," but to the "majority of the qualified voters," to decide whether it is not better to bear the ills we feel, than by attempting to cure them to fly to others (far *worse perhaps*) which "we know not of." As Jefferson justly says, "prudence dictates that governments long established should not be changed for slight and transient causes;" but, as soon as the citizens of Indiana *feel* that the evils of their constitution "are no longer sufferable," can any one doubt that an overwhelming majority will rally at the polls in favor of a convention "to provide new guards for their future security?" To doubt this, would be to question their patriotism, and to infer that they were more wedded to the "forms to which they are accustomed" than to the substantial blessings of good government. It is better to act with too much caution than with too much haste in

reference to this all important question, and, at all events, not to be over-anxious to force imaginary blessings on an unprepared and unwilling people.

There are among the minority, gentlemen entertaining different views as to the necessity and expediency of a convention; and a majority of them, could they bring themselves to the belief that the vote of last August warranted a call,) would feel themselves constrained to unite with the majority in recommending the preparatory bill; but, believing it to be purely a question of constitutional *fact*, they cannot permit mere questions of expediency to cloud their judgments, or to intervene between their duty and their wishes. The question is not whether, in our opinion, a convention is needed and might be rendered beneficial and useful, or not, but whether, at the late gubernatorial election, a *constitutional majority* was cast in its favor? Unless this is kept steadily in view, instead of deciding in accordance with the letter and spirit of that instrument which we have solemnly sworn to obey and defend, our judgments may be biassed by extraneous influences—by our feelings and our passions.

Although the minority differ among themselves as to the constitutional power of the General Assembly to call a convention oftener than once in *twelve* years, they are *unanimously* of the opinion that nothing short of "*a majority of all the votes given at a gubernatorial election*" would authorize or justify the passage of a law providing for the call of a convention to revise, alter, or amend the constitution; and are therefore compelled to view the passage of a law providing for such call, as an "usurpation of power, not warranted by the constitution and laws, but in derogation of both."

They therefore recommend the indefinite postponement of the bill.

JOHN DOWLING, FRANCIS H. FRY,
JOHN YARYAN, J. S. HARVEY,
SAMUEL STEWART, *of Laporte.*

Mr. Palmer made the following report:

MR. SPEAKER:

The undersigned, one of the committee to which was referred a resolution of the House in relation to, and a bill providing for the holding of a convention to amend the constitution of the State, not concurring in the *recommendations* of the majority of the committee, and dissenting from the views of the minority, respectfully asks leave to present to the House, in brief, the reasons which have induced him to withhold his sanction from the bill recommended by the majority.

The undersigned in reading the 8th article of the constitution of the State, and examining the reasons which induced the framers of that instrument to make the provision in said article for the amendment of the constitution, can come to no other conclusion, than that the intention of those who drafted the constitution, was to make it

obligatory upon the authorities of the State "on every twelfth year" after the adoption of that instrument, to give the citizens of the State an opportunity of expressing at the ballot box, their satisfaction with, or disapprobation of the fundamental law of the State. The language is imperative; "there *shall* be a poll opened," and the construction must, in the opinion of the undersigned be forced indeed, which can torture this command to the authorities of the State, to open a poll at certain stated times, into a prohibition of the exercise of such a right at any other time.

But the undersigned is prepared to go still farther, and to allow that the constitution, which makes this imperative injunction prohibitory in its character, or even to suppose such prohibition absolute; and yet falling back upon the great and inalienable rights of the people to say that they, in their sovereign capacity would still have the right at any time "to alter or reform their government in such manner as they think proper" in our federation capacity, only requiring our form of government to be republican. To deny such right is, to make the creature not the handy work of, but greater than the creator.

So long as the government is administered under the constitution, and its powers and functions are exercised under and by virtue of the authority thereof, so long is it binding; but to say that the power which created and breathed the breath of life into the body politic, and upon whose will and power it alone exists, has not the right to reclaim and take away the grant and confer them elsewhere, and in another form, is going farther I apprehend, than a sober judgment will warrant."

The undersigned in not giving his sanction to the bill reported by the majority of the committee, is not prevented by any constitutional scruples; but in the opinion of the undersigned, in a matter involving such momentous consequences as a change in the organic law of the State; the people whose interests are to be affected by it, should a majority of them, in some direct and palpable form give it their sanction, it is not, in the opinion of the undersigned, necessary that they should protest against any alteration. It is enough that they have not asked for a change.

If it is proposed to call the convention under any authority in the present constitution of the State, we have not such an expressed wish as will comply with the requirement, that "a majority of all the votes given at such election in favor of the convention, and if we propose to call it by virtue of the inherent authority in the people, we are not, in the opinion of the undersigned, clothed with the requisite power to act the clearly expressed wishes of the majority.

While then the undersigned recognizes in the existing constitution, defects, which in his opinion could and ought to be remedied, he cannot consistently with a sense of duty, concur with the majority of the committee in their recommendation of the passage of the bill, but must respectfully dissent from their recommendations.

WM. S. PALMER.

On motion by Mr. Carr of Lawrence,

The bill and amendments were referred to the House, as a committee of the whole, and made the special order of the day for Monday next, at 10 o'clock, A. M.

Mr. Tait made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared the following enrolled, with the engrossed bills, and find them truly enrolled:

No. 29. An act to establish a State road on a portion of the dividing line of the counties of Dekalb and Steuben;

No. 25. An act changing the time of holding the probate court of the county of Delaware;

No. 26. An act in relation to road tax, in the county of Elkhart;

No. 24. An act repealing all laws allowing docket fees, except in certain cases;

No. 22. An act to amend an act entitled "an act for the relief of Ann Frankbower," approved January 15th, 1844;

No. 48. An act relating to the probate court in Allen county;

No. 82. An act to repeal an act therein named, so far as the county of Shelby is concerned.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry the same to the Senate, for the signature of their President.

Mr. Secrest (on leave) introduced the following:

Resolved, That the State Librarian be directed forthwith to cause such temporary repairs to be made to the roof of the State House, as will stop further damage at present from the rain.

Which was adopted.

On motion by Mr. Parker,

Resolved, That a committee of five be appointed for the purpose of inquiring into the present condition of the three per cent. fund, with leave to report by bill or otherwise.

On motion by Mr. Brown,

Resolved, That the committee on roads be, and they are hereby instructed to enquire into the expediency of passing a law making it the duty of the board doing county business in the several counties in this State, in certain cases, to levy a tax on districts and parts of districts, for the purpose of building and repairing bridges not situated in such districts, and report by bill or otherwise.

JOINT RESOLUTIONS INTRODUCED.

By Mr. Stanfield:

No. 259. A joint resolution relative to the St. Joseph's river.

By Mr. Miller:

No. 261. A joint resolution expressive of the approbation of the General Assembly of the State of Indiana in the Mexican war.

Were each severally read a first time and ordered to a second reading.

By Mr. Lemmonds:

No. 260. A joint resolution in relation to selection of seats in the next Legislature.

Which was read a first time, and,

On motion by Mr. Thompson,

It was rejected by the House.

BILLS INTRODUCED.

By Mr. Stanfield:

No. 262. A bill to secure the rights of stockholders in incorporated companies, and to make the directors thereof responsible for the abuse of their trusts.

By Mr. Hanna:

No. 266. An act to improve the Michigan road in Carroll county.

By Mr. Johnson:

No. 268. An act to authorize the probate judge of the county of Dearborn to take and certify the acknowledgment of deeds, &c., and for other purposes.

By Mr. Miller:

No. 269. An act to amend an act, entitled "An act to provide for opening and repairing public roads and highways in the counties of Gibson and Pike," approved January 31, 1842.

By Mr. Suit:

No. 273. An act defining the mode of publishing the delinquent tax lists in the county of Clinton.

By Mr. Huff:

No. 274. An act to amend the 144th section of the 30th chapter of the Revised Statutes of 1843.

By Mr. Porter:

No. 280. A bill to legalize the acts of the school commissioner of Harrison county.

By Mr. Arnold:

No. 281. A bill relating to auditors' fees in Bartholomew county.

By Mr. Trimble:

No. 282. An act dispensing with riding bailiffs to grand jurors.

Were each read a first time and ordered to a second reading.

By Mr. Jenison:

No. 263. A bill to incorporate the White River Canal Company.

Which was read a first and second times—the rules being suspended—and referred to the committee on corporations.

By Mr. Hall of Warren:

No. 264. An act for the protection of farmers.

Which was read a first and second times—the rules being suspended—and referred to the committee on agriculture.

By Mr. Lutz:

No. 265. An act to vacate certain streets and alleys in the town of Noblesville in Hamilton county.

Which was read three several times—the rules being suspended—and passed.

Ordered, That the clerk inform the Senate thereof.

By Mr. Carnahan:

No. 267. An act to change the mode of doing probate business.

By Mr. Stanfield:

No. 270. A bill to afford a more efficient remedy in actions of trespass.

By Mr. Secrest:

No. 271. An act to amend the 8th section of an act regulating the fees and salaries of the several officers therein named, approved February 7, 1831.

By Mr. Stanfield:

No. 272. A bill to amend the provisions of chapter 37, section 70, part 3, article 1, of the Revised Statutes of 1843.

By Mr. Stanfield:

No. 277. A bill to amend the act regulating the proceedings under the writ of *ad quod damnum*.

Were each read a first and second times—the rules being suspended—and referred to the committee on the judiciary.

By Mr. Hatfield:

No. 275. An act to incorporate the Greenfield and Shelbyville Railroad Company.

Was read a first and second times—the rules being suspended—and referred to a select committee of Messrs. Hatfield, Suit, and Lutz.

By Mr. Nofsinger:

No. 276. An act for the improvement of common schools.

Was read a first and second times—the rules being suspended—and referred to the committee on education.

By Mr. Clark:

No. 278. An act relative to roads and highways in Lagrange county.

Was read a first and second times—the rules being suspended—and referred to the committee on roads.

By Mr. Clark:

No. 279. An act to extend the jurisdiction of justices of the peace in Lagrange county.

Was read a first and second times—the rules being suspended—and referred to a select committee of Messrs. Clark, Stanfield, and Colms.

The following message was received from His Excellency, the Governor, by Mr. Hanna, his private secretary:

MR. SPEAKER:

I am directed by His Excellency, the Governor, to inform the House of Representatives that he did, on the 30th instant, approve and sign the following bills, to-wit:

No. 48. An act relative to swinging gates on highways.

No. 39. An act to vacate the town of Independence, in Laporte county.

No. 42. An act relative to the probate court of Fayette county.

All of which originated in the House of Representatives.

December 30th, 1846.

A message from the Senate, by Mr. Jones, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate have passed the following engrossed bill thereof:

No. 1. A bill to define the mode of advertising the delinquent list.

The Senate have also passed the following engrossed bill of the House with an amendment:

No. 92. A bill to amend the first section of an act, entitled "An act prescribing the mode of selecting pettit jurors in Sullivan county," approved January 6, 1846.

In which the concurrence of the House is respectfully requested.

Said amendment was read and concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Jones, their secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate have passed the following engrossed bills of the House without amendment:

No. 4. A bill providing for the correction of errors in patents for lands sold by the State.

No. 51. A bill repealing certain acts in relation to the county of Posey.

No. 53. A bill to amend section 128, chapter 35 of the Revised Statutes of 1843.

No. 77. A bill to change the name of James Morris Smith to that of James Morris Vestal.

No. 84. A bill to reduce the price of the Revised Statutes of 1843.

No. 91. A bill to fix the time of holding courts in the eighth judicial circuit.

No. 101. A bill to secure to Ohio county a share of the common school and surplus revenue funds, and for other purposes.

No. 107. A bill to change the names of Francis Anthony Fisher and Minerva Ridge, to the names of Francis Anthony Greenwood and Minerva Greenwood.

The following message was received from the Senate by Mr. Jones, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate have passed the following engrossed bill thereof:

No. 127. A bill for the purpose of settling the debt of the Wabash Manual Labor College and Teachers' Seminary, to the sinking fund of the State, and for other purposes;

In which the concurrence of the House is respectfully requested.

Said bill was read a first and second times, the rules being suspended, and referred to the committee on education:

The following message was received from the Senate by Mr. Jones, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate have passed the following engrossed bills of the House with amendments:

No. 33. A bill to incorporate the Clifty Band of Musicians, in Decatur county, and the Mooresville Musical Institute, of Dearborn county;

No. 65. A bill to amend article one, of chap. forty-two, of the Revised Statutes, on the subject of liens of mechanics, and others, on buildings;

Also Senate bills,

No. 72. A bill to incorporate the Upper Wabash Canal Company;

No. 116. A bill to incorporate the trustees of the Fort Wayne Female College;

In which the concurrence of the House of Representatives is respectfully requested.

The amendments of the Senate to bills of the House Nos. 33 and 65, were read and concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

No. 72, was read a first time and ordered to a second reading.

No. 162, was read a first and second times, the rules being suspended, and referred to the committee on corporations.

On moton by Mr. Watts,

Bill No. 208 was taken from the table and referred to the committee on scientific and benevolent institutions.

Mr. Ferguson, on leave, offered the following:

Resolved, That the State Printer be requested to furnish this House forthwith with the report of the Warden of the State Prison, 500 copies of which were ordered to be printed some weeks ago.

Which was adopted; and,

On motion by Mr. Shields,

The House adjourned until 2 o'clock, P. M.

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2 o'clock, P. M.

House met.

ORDERS OF THE DAY.

Senate Bills on Second Reading.

No. 4. A bill authorizing the township of Lawrenceburg, in Dearborn county, to construct a turnpike road in said township;

No. 5. A bill in relation to county roads in the counties of Putnam and Jefferson;

No. 8. A bill to amend an act entitled "an act to incorporate the city of Richmond, Wayne county, Indiana, approved February 20, 1846;

No. 20. An act in relation to supervisors in the county of Daviess;

No. 25. An act to change the name of Frances Ann Fisher to Frances Ann Smith;

No. 29. A bill for the benefit of the volunteers of the Mexican war, and for the relief of county treasurers;

No. 33. A bill to authorize the Governor of this State to order a special election for Representatives in Congress, in certain cases;

Were each read a second time and ordered to a third reading.

No. 21. A bill relative to the execution of decrees in chancery;

Was read a second time, amended by striking out all that part which relates to its publication, and the bill ordered to a third reading.

No. 34. A bill to extend the times of working out the road tax in the several counties therein named;

Was read a second time, amended by striking out the county of Kosciusko, and the bill ordered to a third reading.

On motion by Mr. Tackett,

Senate bill,

No. 35. A bill to provide for the election of township assessors in certain counties therein named, and defining their duties;

Was taken from the table, amended by striking out "fifty cents," wherever it occurs, and inserting "twenty-five;" further amended by adding the counties of Jackson, Washington and Madison, and the bill lost on the question of its being ordered to a third reading.

No. 39. A bill to authorize the letting out of the public printing to the lowest bidder;

Was read a second time and referred to a select committee of Messrs. Dowling, Stewart of Fayette, and Battell.

No. 45. A bill to authorize clerks of circuit courts to issue writs to other counties in certain cases;

Was read a second time and referred to the committee on the judiciary.

No. 46. A bill to increase the number of pilots at the Falls of the Ohio river;

Was read a second time, when Mr. Tait offered the following amendment:

Amend by striking out "one," and inserting "two," in first section, fourth line.

Mr. Ferguson moved that the bill and amendment be indefinitely postponed.

On this motion,

Messrs. Ferguson and Tait demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Carr of Clark, Cassatt, Dole, Dowling, Edwards, Ferguson, Gordon, Griffis, Hamilton, Harvey, Huddleston, Hull, Meredith, Parker, Scott, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Walker, Watts, and Mr. Speaker—24.

Those who voted in the negative are,

Messrs. Addleman, Arnold, Brown, Balding, Battell, Carr of Lawrence, Carnahan, Clark, Colms, Crookshank, Deam, Decker, Dobson, Gilleece, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Harlan, Hatfield, Hendricks, Hicks, Holland, Holman, Hostetter, Huffstetter, Hunt, Jenison, Jones of Blackford, Jones of Greene, Kerr, Lemmonds, Logan, Lutz, Mason, May, McCormack, Miller, Monk, Moore, Neal, Nofsinger, Norton, Osborn, Palmer, Parks, Porter, Powell, Secrest, Shields, Sleeth, Smiley, Summers, Tackett, Tait, Tebbs, Thomas, Thompson, Trimble, Wiley, Wilson, Wise, Wolfe, Woodruff, and Yaryan—67.

So said bill was not indefinitely postponed.

Mr. Yaryan offered the following amendment to the amendment of Mr. Tait:

"That any person may take out a license to be a pilot who may give the bond required by law, to be approved of by the board of county commissioners of Clark county;"

Which was not adopted.

The amendment of Mr. Tait was then adopted.

Mr. Ferguson then offered the following amendment:

Amend by striking out the words "and required," in the first section, and insert, "provided he deems the appointment of such additional pilot necessary for the public good."

Amend the third section by striking out the word "hereafter."

Which was,

On motion by Mr. Carr of Lawrence,

Laid on the table.

Mr. Ferguson moved to lay the bill and amendments on the table.

On this motion,

Messrs. Ferguson and Anthony demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Carr of Clark, Cassatt, Dole, Edwards, Ferguson, Gordon, Griffis, Hamilton, Harvey, Hostetter, Huddleston, Huff, Hull, Kerr, Meredith, Noel, Porter, Scott, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Thomas, Walker, Watts, Wise, Yaryan, and Mr. Speaker—30.

Those who voted in the negative are,

Messrs. Arnold, Brown, Balding, Battell, Carr of Lawrence, Carnahan, Clark, Colms, Crookshank, Deam, Decker, Dobson, Gilleece, Green, Hall of Posey, Hanna, Harding, Harlan, Hatfield, Hendricks, Hicks, Holland, Holman, Huffstetter, Hunt, Johnson, Jones of Blackford, Jones of Greene, Julian, Lemmonds, Logan, Lutz, Mason, May, McCormack, Miller, Monk, Moore, Neal, Nofsinger, Norton, Osborn, Palmer, Parks, Powell, Secrest, Shields, Sleeth, Smiley, Summers, Tackett, Tait, Tebbs, Thompson, Trimble, Wiley, Wilson, Wolfe, Woodruff, and Young—60.

So said bill and amendments were not laid on the table.

Mr. Ferguson moved the following amendment:

Strike out the word Governor wherever it occurs, and insert the "board of county commissioners for the county of Clark."

Which was not adopted.

The bill was then ordered to a third reading.

Mr. Cassatt, on leave, introduced the following bill:

No. 283. An act to legalize the qualification of sheriff of Wabash county;

Was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

On motion,

Mr. Noel was added to the committee on scientific and benevolent institutions.

Mr. Watts, on leave given, introduced bill

No. 284. An act to further provide for the erection of the hospital for the insane, and for other purposes connected therewith;

Was read a first and second times, the rules being suspended, and referred to the committee on scientific and benevolent institutions.

Mr. Hostetter, on leave given, introduced a memorial in reference to the Wabash College;

Which was referred to the committee on education.

Mr. Thompson, on leave given, introduced bill

No. 285. A bill for the relief of L. Q. De Bruler, of Dubois county;

Which was read a first and second times, the rules being supended, and referred to the committee on claims.

Mr. Shields, on leave, introduced the following:

Resolved, That the State Printer be requested to furnish, forthwith, for the use of the members of this House, copies of the report of the superintendent of the Wabash and Erie Canal;

Which was adopted. And,

On motion by Mr. Carr of Lawrence,

The House adjourned until to-morrow morning at 9 o'clock.

SATURDAY MORNING, January 2nd, 1847.

The House met pursuant to adjournment.

PETITIONS, &c., PRESENTED.

By Mr. Wilson, the petition of sundry citizens of Lagrange and Noble counties, in relation to a State road therein named;

Which was referred to a select committee of Messrs. Wilson, Clark, and Balding.

By Mr. Tait, the petition of citizens of Ohio county, asking a charter for the Independent Order of Odd Fellows;

Which was referred to the select committee who have that subject under consideration.

By Mr. Clark, the memorial of the president and secretary of the Lagrange Phalanx;

Which was referred to the committee on corporations.

By Mr. Hunt, a petition to change a part of the line between Laporte and St. Joseph counties;

Which was referred to a select committee of Messrs. Hunt, Stanfield, and Woodruff.

By Mr. Green, a petition for the formation of a new county out of Washington county, and others;

Which was referred to a select committee of Messrs. Green, Porter, Anthony, Monk, Ferguson, and Holland.

By Mr. Dunham, the remonstrance of sundry citizens of Washington county, on the same subject;

Which was referred to the same committee.

By Mr. Monk, the remonstrance of sundry citizens of Crawford county, on the same subject;

Which was referred to the same committee.

Mr. Harvey made the following report:

Mr. Speaker:

The committee on the judiciary, to which was referred bill of the House No. 181, entitled "an act for the protection of the property of married women," have had that subject under consideration, and instructed me to report the same back with one amendment, and when so amended, recommend its passage; and said committee ask to be discharged from the further consideration of the subject.

Said amendment, (which is a new bill,) was concurred in:

And said bill was read a second time and ordered to be engrossed for a third reading.

Mr. Thompson made the following report:

Mr. Speaker:

The judiciary committee, to which was referred a bill of the House, No. 152, entitled "a bill to amend the 48th chapter, article five, of the Revised Statutes of 1843, in regard to writs of *ad quod damnum*," have examined the same, and made one amendment, to which the concurrence of the House is respectfully requested:

Strike out the second section and insert the following:

"The court, instead of ordering the sheriff, or other person, to empannel the jury and hold the inquest upon a certain day named in the writ, shall leave it to the sheriff, or other person to whom the writ is directed, within a reasonable time after the writ is delivered to him, to designate the day of inquest, of which he shall give the

person obtaining the writ ten days notice, and in empanneling the jury, the person obtaining the writ, or any other person whose interest may be affected by the inquest, shall have the right of peremptory challenge to three jurors, and for good cause to any number, and in case of any juror being challenged, as is above provided for, other jurors shall forthwith be summoned to fill up the panel."

Said amendment was concurred in:

And said bill read a second time and ordered to be engrossed for a third reading.

Mr. Sleeth made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred the petition of certain citizens of Monroe county, asking a repeal of the ninth section, article first, chapter third, of the Revised Statutes of 1843, relative to the duties of clerks of circuit courts in granting marriage licenses, have had that subject under consideration, and directed me to report that, in their opinion, legislation thereon is inexpedient; and respectfully ask to be discharged from any further consideration of the subject.

Which report was concurred in.

Mr. Meredith made the following report:

MR. SPEAKER.

The committee on roads, to whom was referred the petition of Thomas McCulloch and others, praying for the re-location of a State road in Vigo county, have had the same under consideration and direct me to report a bill and recommend its passage; and the committee ask to be discharged from the further consideration of the subject.

No. 286. A bill to re-locate a State road in Vigo county;

Was read first time and ordered to a second reading.

Mr. Dowling made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to which was referred bill No. 204, the better to preserve the health of the inhabitants residing along the canals in this State, have had the same under consideration; have stricken out the bill from the enacting clause, and reported a new bill applicable to the White Water canal, and respectfully recommend its passage.

Which amendment was concurred in;

And said bill was read a second time and ordered to be engrossed for a third reading.

Mr. Dowling made the following report;

MR. SPEAKER:

The committee on canals and internal improvements, to which was referred the bill of the House, No. 85, "to repeal a part of an act therein named," (sec. 264, chap. 13, art. 16, of the Revised Statutes of 1843,) have had the same under consideration, and beg leave to report that, in their opinion, it is impolitic, inexpedient, and unnecessary to repeal said section of the act referred to; and therefore ask leave to be discharged from the further consideration of the subject.

Which was concurred in;

And said bill was laid on the table.

Mr. Dole made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred a petition of sundry lessees of water power at Wabash dam, No. 4, have had the subject under consideration, and have directed me to report the following bill and recommend its passage:

No. 287. A bill for the relief of lessees of water power at Wabash dam, No. 4, in Carroll county.

Which was read a first time and ordered to a second reading.

Mr. Watts made the following report:

MR. SPEAKER:

The committee on benevolent and scientific institutions, to whom was referred bill of the House No. 284, entitled "an act to further provide for the erection of the hospital for the insane and for other purposes connected therewith," have had the same under consideration, and directed me to report it back to the House with sundry amendments, and recommend its passage.

Amend as follows:

Sec. 10. Said commissioners shall meet once in three months, and oftener if necessary; and all laws in conflict with the provisions of this section are hereby repealed.

Amend sec. 8 to read as follows:

Said commissioners shall report annually their proceedings, together with that of the superintendent, on or before the third day after the commencement of the session of said General Assembly.

Which amendments were concurred in;

And said b ill was read a second time and ordered to a third reading.

Mr. Thompson made the following report:

Mr. Speaker:

The committee on claims to which was referred a *mass* of documents, and the petition of John Stoop, have, after examining the documents and petition, instructed me to report that it is inexpedient to grant the relief prayed for.

Which was concurred in.

Mr. Wiley asked leave to withdraw the papers mentioned in said report;

Which was granted.

Mr. Hamilton made the following report:

Mr. Speaker:

The committee on education, to whom was referred the memorial of Charles White and others, in reference to a debt due from Wabash college to the sinking fund,—and also Senate bill, No. 127, entitled, "a bill for the purpose of settling the debt of the Wabash Manual Labor College and Teachers' Seminary to the sinking fund of the State, and for other purposes," have had the same under consideration, and have instructed me to make the following report:

The committee regard the arrangement for the settlement of said debt, as provided for in said bill, as the only one by which the State can secure to the sinking fund the loan which was unfortunately authorized by the Legislature to be made out of said fund to said college. Waving the question whether the Wabash College, as a matter of right, can claim to have the State bonds in her hands set off against the sum due from her to said fund, (which right the committee do not admit,) the committee are well satisfied, as a question of expediency, that the bond of the State, proposed to be delivered up will better secure the debt to the sinking fund, than the property which is mortgaged by the college to said fund.

The committee wish to be distinctly understood as not recommending, out of favor, a measure of relief to said college, which might in any way be considered prejudicial to the interests of common schools. But, inasmuch as said loan was effected by authority of law, and the security taken for the loan, and the means of the college are deemed by the committee wholly inadequate to secure the payment of the same; and the provisions of said bill appear more likely to secure to said fund the sum due from the Wabash college, than the mortgage on her property, the committee have unanimously instructed me to report said bill back to the House

without amendment, and respectfully recommend its passage, and ask to be discharged from the further consideration of the subject.

Mr. Carr of Lawrence moved to lay said bill on the table.

On this motion Messrs. Carr of Lawrence and Wolfe demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Arnold, Balding, Carr of Clark, Carr of Lawrence, Cravens, Deam, Dunham, Gilleece, Hanna, Holman, Huff, Huffstetter, Jones of Greene, Lemmonds, Lewis, Logan, Lutz, Mason, Monk, Osborn, Scott, Shields, Sleeth, Tait, Tebbs, Thomas, Thompson, Walker, Watts, Wiley, Wilson, Wolfe, and Woodruff—33.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Brown, Battell, Carnahan, Cassatt, Colms, Decker, Dobson, Dole, Dowling, Edwards, Ferguson, Fry, Fuller, Gordon, Griffis, Green, Hall of Posey, Hall of Warren, Hamilton, Harding, Harlan, Harvey, Hatfield, Hendricks, Hicks, Holland, Hostetter, Huddleston, Hull, Hunt, Jenison, Johnson, Julian, Kerr, May, McCormack, Meredith, Moore, Neal, Noel, Nofsinger, Norton, Palmer, Parker, Parks, Porter, Powell, Secrest, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tackett, Trimble, Wise, Yaryan, Young, and Mr. Speaker—63.

So said bill was not laid on the table.

Mr. Carr of Lawrence offered the following amendment:

Add to sec. 2—"Thereon, and the same shall be paid out of any money in the treasury not otherwise appropriated, at the time, and in the same manner that said fund may be distributed, as provided by an act entitled, 'an act to establish a State bank,' approved January 28, 1834; any thing contained in any act of the Legislature heretofore, or that may be hereafter passed, to the contrary notwithstanding."

Mr. Colms, moved to lay the amendment on the table.

On which motion Messrs. Carr of Lawrence and Logan demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Brown, Battell, Carnahan, Cassatt, Clark, Colms, Crookshank, Decker, Dole, Dowling, Edwards, Ferguson, Fry, Fuller, Gilleece, Gordon, Griffis, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Harlan, Harvey, Hatfield, Hendricks, Hicks, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Jenison, Johnson, Jones of Blackford, Julian, Kerr, Lutz, Mason, May, McCormack, Meredith, Moore, Neal, Noel, Nofsinger, Palmer, Parker, Parks, Porter, Powell, Secrest, Smiley, Stanfield, Stewart of

Fayette, Stewart of Laporte, Suit, Summers, Tackett, Thomas, Trimble, Walker, Wise, Yaryan, and Mr. Speaker—69.

Those who voted in the negative are,

Messrs. Arnold, Balding, Carr of Lawrence, Cravens, Deam, Dobson, Dunham, Green, Holman, Huffstetter, Jones of Greene, Lemmonds, Lewis, Logan, Miller, Monk, Osborn, Scott, Shields, Sleeth, Tait, Tebbs, Thompson, Watts, Wiley, Wilson, Wolfe, and Woodruff—28.

So said amendment was laid on the table; when,

On motion by Mr. Watts,

The House adjourned until 2 o'clock, P. M.

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2 *o'clock, P. M.*

The House met.

Mr. Harvey, (on leave,) made the following report:

Mr. Speaker:

The select committee to which was referred bill of the Senate, No. 68, entitled, "an act fixing the time of holding the Marion circuit court," and the remonstrance of certain persons against the same, have had the same under consideration, and directed me to report the same back, with the following amendment, and when so amended, said committee recommend its passage, and ask to be discharged from the further consideration of the same.

Said bill and amendments were,

On motion by Mr. Palmer,

Laid upon the table.

Mr. Tait made the following report:

Mr. Speaker:

The committee on enrolled bills have compared the following enrolled with the engrossed bills, and find them truly enrolled:

No. 61. An act to repeal an act, entitled, "an act to authorize the people of Fayette and other counties therein named, to elect their seminary trustees," approved January 15, 1846;

No. 97. An act to legalize certain acts of the board of commissioners of Clinton county, and for other purposes;

No. 44. An act to vacate a part of the town of Blairsville, in Posey county, Indiana;

No. 78. An act entitled an act to amend an act to extend the

terms of the board doing county business in the county of Tippecanoe, approved January 14, 1846;

No. 28. An act to repeal a certain law therein named;

Whereupon the Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

The following message was received from His Excellency, the Governor, by Mr. Hanna, his private secretary:

MR. SPEAKER:

I am directed by His Excellency, the Governor, to inform the House of Representatives that he did, on this day, approve and sign the following bills, to-wit:

No. 48. An act relating to the probate court in Allen county.

No. 25. An act changing the time of holding the probate court of the county of Delaware.

No. 6. An act to repeal an act, entitled "An act to authorize the people of Fayette, and other counties therein named, to elect their seminary trustees," approved January 15, 1846.

No. 29. An act to establish a State road on a portion of the dividing line of the counties of De Kalb and Steuben.

No. 22. An act to amend an act, entitled "An act for the relief of Ann Frankbower," approved January 15, 1846.

No. 78. An act, entitled "An act to amend an act to extend the terms of the board doing county business in the county of Tippecanoe," approved January 14, 1846.

No. 24. An act repealing all laws allowing docket fees, except in certain cases.

No. 26. An act in relation to road tax in the county of Elkhart.

No. 97. An act to legalize certain acts of the board of commissioners of Clinton county, and for other purposes.

No. 44. An act to vacate a part of the town of Blairsville, in Posey county, Indiana.

No. 82. An act to repeal an act therein named, so far as the county of Shelby is concerned.

All of which originated in the House of Representatives.

ORDERS OF THE DAY.

Senate Bills on Second Reading.

No. 49. A bill relative to allowances to guardians.

No. 50. A joint resolution relative to furnishing a copy of the lands selected by the State for the completion of the Wabash and Erie Canal.

No. 53. An act to authorize Nelson Conner, of the county of

Grant, and State of Indiana, to maintain and keep up a mill dam across the Mississinnewa river.

No. 58. A bill repealing an act, entitled "An act providing for removing obstructions in Buck creek, in Henry county.

No. 59. A bill to vacate a part of a certain State road in the county of Ripley.

No. 66. An act to facilitate the building of school houses in the county of Dearborn.

No. 76. A bill to change the mode of doing county business in Decatur county.

No. 82. An act to prevent county treasurers and other officers from purchasing real estate.

No. 85. An act to amend "An act to incorporate the town of Jeffersonville," approved January 28, 1839, and the amendments thereto.

No. 88. An act to repeal a certain act therein named.

No. 95. An act to legalize the election of justices for the corporation of the town of Greensborough, Henry county.

No. 98. An to authorize Malon Waldren and Caleb Boots to maintain and keep up a mill dam in Grant county.

No. 99. An act in relation to retailing intoxicating liquors in Wayne county.

No. 103. A bill to give additional time to the probate court in Wayne county.

No. 104. A bill to vacate a certain alley in the town of Putnamville.

No. 111. A bill extending the time for holding the several terms of the probate courts of Vanderburgh county.

No. 121. An act amendatory of an act in relation to the auditor of Warrick county.

Were each severally read a second time and ordered to a third reading.

No. 1. A bill to define the mode of advertising delinquent lists.

No. 56. A bill declaring the meaning of sections 143 and 145 of chapter 40 of the Revised Statutes of 1843.

No. 70. An act to provide for the punishment of seduction.

No. 81. An act repealing section —— of chapter 9 of article 1st of the Revised Code of 1843, in relation to notaries public.

Were each read a second time and referred to the judiciary committee.

On motion by Mr. Miller,

The vote on laying bill of the Senate,

No. 35. A bill to provide for the election of township assessors in certain counties therein named, and defining their duties,

Upon the table, was reconsidered, and the bill ordered to a third reading.

No. 51. A bill for the relief of purchasers of seminary lands in Gibson and Monroe counties.

Was read a second time and referred to a select committee of Messrs. Miller, Fuller, Logan, and Watts.

No. 54. A bill to correct a mistake in the enrolling and publishing "An act to amend the several acts now in force relative to the New Albany and Vincennes road," approved January 19, 1846.

Was read a second time and referred to a select committee of Messrs. Porter, Anthony, and Walker.

No. 55. An act on the subject of divorces.

No. 62. A bill to amend an act, entitled "An act to incorporate the Knightstown and Shelbyville Railroad Company."

No. 69. A bill changing the time of holding courts in the eleventh judicial circuit.

Were each read a second time and laid on the table.

No. 87. An act to repeal an act, entitled "An act for the relief of the late Captain Richard McCarty," approved January 15, 1846.

Was read a second time and referred to a select committee of Messrs. Ferguson, Dunham, and Shields.

No. 93. An act to incorporate the Lafayette Hydraulic Company.

Was read a second time and referred to the committee on corporations.

No. 101. An act to amend an act to incorporate the Lafayette Bridge Company.

Was read a second time and referred to the committee on corporations.

No. 112. An act to legalize the transfer of certain canal land certificates.

Was read a second time and referred to the committee on canals and internal improvements.

No. 63. A bill to authorize the superintendent of the New Albany and Vincennes road to rebuild bridges that have been washed away on said road.

Was read a second time and referred to a select committee of Messrs. Walker, Porter, and Anthony.

No. 72. An act incorporating the Upper Wabash Canal Company.

No. 65. A bill to incorporate the grand and subordinate divisions of the Sons of Temperance of the State of Indiana.

Were each read a second time and referred to the committee on corporations.

The following message was recieved from the Senate, by Mr. Jones, their secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate have passed the following engrossed bills thereof:

No. 165. A bill directing the safe keeping of certain persons on a charge of felony.

In which the concurrence of the House of Representatives is respectfully requested.

Said bill was read three several times—the rules being suspended —and passed.

Ordered, That the clerk inform the Senate thereof.

House Bills on Third Reading.

No. 11. An act relative to loaning school funds.

No. 63. An act to regulate the chancery practice.

Were each read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 69. An act reducing the fees of certain officers therein named.

Mr. Miller moved to recommit the bill to a select committee with instructions to except the county of "Gibson" from the provisions of the bill.

Mr. Cravens moved to lay the amendment on the table.

On this motion,

Messrs. Cravens and Miller demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Brown, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Cravens, Deam, Dowling, Dunham, Ferguson, Gilleece, Green, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Holland, Holman, Huddleston, Huff, Huffstetter, Hunt, Johnson, Jones of Green, Julian, Kerr, May, Moore, Neal, Nofsinger, Osborn, Parker, Parks, Scott, Secrest, Shields, Sleeth, Smiley, Stewart of Laporte, Suit, Tait, Thomas, Thompson, Trimble, Young, and Mr. Speaker—48.

Those who voted in the negative are,

Messrs. Anthony, Arnold, Battell, Cassatt, Clark, Colms, Decker, Dobson, Dole, Edwards, Fry, Fuller, Gordon, Griffis, Harvey, Hatfield, Hendricks, Hicks, Hill, Hostetter, Hull, Jenison, Jones of Blackford, Lemmonds, Lewis, Logan, Lutz, Mason, McCormack, Meredith, Miller, Monk, Noel, Norton, Palmer, Porter, Powell, Stanfield, Summers, Tackett, Tebbs, Walker, Watts, Wiley, Wilson, Wise, Wolfe, Woodruff, and Yaryan—49.

So said amendment was not laid on the table.

Mr. Cravens demanded a division of the question;

Which was seconded.

And the question being on recommitting the bill with the instructions, on this,

Messrs. Thompson and Cravens demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Cassatt, Colms, Deam, Decker, Dobson, Dole, Edwards, Ferguson, Fry, Fuller, Gordon, Griffis, Harlan, Harvey, Hatfield, Hendricks, Hicks, Hill, Hunt, Jenison, Jones of Blackford, Julian, Lemmonds, Lewis, Logan, Lutz, McCormack, Meredith, Miller, Monk, Neal, Noel, Norton, Parker, Porter, Powell, Stanfield, Stewart of Fayette, Stewart of Laporte, Summers, Tebbs, Walker, Watts, Wilson, Wise, Wolfe, Woodruff, and Yaryan—50.

Those who voted in the negative are,

Messrs. Addleman, Arnold, Brown, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Cravens, Dowling, Dunham, Gilleece, Green, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Holland, Holman, Hostetter, Huddleston, Huff, Huffstetter, Hull, Johnson, Jones of Greene, Kerr, Mason, May, Moore, Nofsinger, Osborn, Palmer, Parks, Scott, Secrest, Shields, Sleeth, Smiley, Suit, Tait, Thomas, Trimble, Wiley, Young, and Mr. Speaker—49.

So said bill was ordered to be recommitted with the instructions.

Mr. Hicks moved to amend so as to except the county of Johnson from the provisions of the bill.

Mr. Stanfield moved to amend so as to except the treasurer and auditor of St. Joseph county from the provisions of the bill.

Mr. Cravens moved to lay the amendments on the table.

On this motion,

Messrs. Cravens and Secrest demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Brown, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Cravens, Dowling, Dunham, Ferguson, Gilleece, Green, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Holman, Huddleston, Huff, Huffstetter, Johnson, Jones of Greene, Julian, Kerr, Mason, May, Moore, Nofsinger, Osborn, Palmer, Parks, Scott, Secrest, Shields, Sleeth, Smiley, Suit, Tackett, Thomas, Thompson, Trimble, Wiley, Wilson, Yaryan, Young, and Mr. Speaker—48.

Those who voted in the negative are,

Messrs. Anthony, Arnold, Cassatt, Clark, Colms, Deam, Decker, Dobson, Dole, Edwards, Fry, Fuller, Gordon, Griffis, Harlan, Harvey, Hatfield, Hendricks, Hicks, Hill, Holland, Hostetter, Hull, Hunt, Jenison, Jones of Blackford, Lemmonds, Lewis, Logan, Lutz, McCormack, Meredith, Miller, Monk, Neal, Noel, Norton, Parker, Porter, Powell, Stanfield, Stewart of Fayette, Stewart of Laporte, Summers, Tait, Tebbs, Walker, Watts, Wise, Wolfe, and Woodruff—50.

So said motion did not prevail.

The instructions were then adopted.

On motion by Mr. Woodruff,

The counties of Porter and Lake were added to the instructions.

On motion by Mr. Wise,

The county of Jefferson was added to the instructions.

Mr. Edwards offered the following:

"*Provided*, The provisions of the bill shall not affect the fees and salaries of the officers therein named, during their present term of service."

Pending the adoption of which,

Mr. Deam moved to reconsider the vote taken on recommitting the bill with the instructions.

On this motion,

Messrs. Watts and Deam demaded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Arnold, Brown, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Cravens, Deam, Decker, Dole, Dunham, Ferguson, Fry, Gilleece, Green, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Holman, Hostetter, Huddleston, Huff, Huffstetter, Hull, Hunt, Johnson, Jones of Greene, Kerr, Lewis, Mason, May, Moore, Neal, Nofsinger, Osborn, Palmer, Parks, Scott, Secrest, Shields, Sleeth, Smiley, Suit, Tait, Thomas, Thompson, Trimble, Wiley, Wilson, Yaryan, Young, and Mr. Speaker—55.

Those who voted in the negative are,

Messrs. Anthony, Cassatt, Clark, Colms, Dobson, Dowling, Edwards, Fuller, Gordon, Griffis, Harlan, Harvey, Hatfield, Hendricks, Hicks, Hill, Holland, Jenison, Jones of Blackford, Julian, Lemmonds, Logan, Lutz, McCormack, Meredith, Miller, Monk, Noel, Norton, Porter, Powell, Stewart of Fayette, Stewart of Laporte, Summers, Tackett, Tebbs, Walker, Watts, Wise, Wolfe, and Woodruff—41.

So said vote was reconsidered.

Mr. Cravens then demanded the previous question.

Which was seconded.

And the previous question being,

"Shall the main question be now put?"

It was decided in the affirmative.

And the main question being,

"Shall the bill pass?"

Messrs. Cravens and Palmer demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Arnold, Brown, Balding, Battell,

Carr of Clark, Carr of Lawrence, Carnahan, Cassatt, Cravens, Dowling, Dunham, Ferguson, Gilleece, Green, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Harvey, Holland, Holman, Huddleston, Huff, Huffstetter, Johnson, Jones of Greene, Kerr, Mason, May, Moore, Neal, Nofsinger, Osborn, Palmer, Parks, Porter, Scott, Secrest, Shields, Sleeth, Smiley, Suit, Tait, Thomas, Thompson, Trimble, Walker, Wiley, Wilson, Wolfe, Yaryan, Young, and Mr. Speaker—56.

Those who voted in the negative are,

Messrs. Clark, Colms, Deam, Decker, Dobson, Dole, Edwards, Fry, Fuller, Gordon, Griffis, Harlan, Hatfield, Hendricks, Hicks, Hill, Hostetter, Hull, Hunt, Jenison, Jones of Blackford, Julian, Lemmonds, Lewis, Logan, Lutz, McCormack, Meredith, Miller, Monk, Noel, Norton, Powell, Stanfield, Stewart of Fayette, Stewart of Laporte, Summers, Tackett, Tebbs, Watts, Wise, and Woodruff—42.

So said bill passed.

Mr. Colms moved the following as the title to the bill:

"A bill to starve county officers."

Mr. Palmer offered the following as an amendment:

"An act reducing the fees of certain officers therein named."

Which amendment was adopted.

Mr. Secrest moved to take up bill

No. 236. An act to vacate certain streets and alleys in South Greencastle, Putnam county, Indiana.

Which motion prevailed.

Said bill was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Miller,

The House adjourned until Monday morning 9 o'clock.

MONDAY MORNING, January 4, 1847.

The House met pursuant to adjournment.

Mr. Thompson moved a call of the House;

Which was seconded.

After some time spent therein,

On motion,

A further call was suspended.

Mr. Watts asked a suspension of the rules, with leave to introduce a resolution; upon which,

Messrs. Thompson and Cravens demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Balding, Cassatt, Colms, Deam, Decker, Edwards, Ferguson, Gilleece, Gordon, Griffis, Harlan, Harvey, Hendricks, Hicks, Hill, Huff, Hull, Jenison, Jones of Blackford, Julian, Lewis, Lemmonds, Logan, McCormack, Meredith, Noel, Nofsinger, Norton, Parker, Porter, Powell, Shields, Stanfield, Stewart of Laporte, Summers, Tackett, Walker, Watts, Wiley, Wilson, Wise, and Woodruff—43.

Those who voted in the negative are,

Messrs. Addleman, Arnold, Brown, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Cravens, Dole, Green, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Hatfield, Holland, Holman, Hostetter, Huddleston, Huffstetter, Johnson, Jones of Greene, Kerr, Lutz, May, Monk, Neal, Osborn, Parks, Scott, Secrest, Sleeth, Smiley, Suit, Thomas, Thompson, Trimble, Wolfe, Young, and Mr. Speaker—42.

So the rules were not suspended.

On motion by Mr. Ferguson,

The rules were suspended, and the following message from His Excellency, the Governor, was taken up:

Mr. Speaker:

I am directed by the Governor to transmit to the House of Representatives bill No. 153, entitled "An act to provide for the completion of the State Prison, and for other purposes," with his reasons for withholding his approval of said act.

December 31, 1846.

To the House of Representatives:

Gentlemen:—I herewith return the bill which originated in the House of Representatives at the present session of the General Assembly, entitled, 'An act to provide for the completion of the State Prison and for other purposes," No. 153, with my objection, showing why I have felt constrained, through a sense of public duty and a regard to the interest of the State, to withhold my approval of the same.

The first section of the bill authorizes the commissioner now engaged in making estimates of the work done by the late contractor, upon the new State prison, preparatory to a final settlement of the claims and controversies thence arising, to proceed and make further

estimates of the prices of constructing a keeper's and a warden's house, according to a plan formerly proposed, and of those parts of the buildings for said prison which are unfinished; and also to ascertain from examination, what buildings and workshops are necessary to be erected to make said prison complete, and make estimates of the prices of constructing the same.

The second section authorizes the Governor, on the part of the State, to make a contract with Samuel H. Patterson, the present lessee of the prison, for the erection and completion of the buildings above referred to, upon *terms* as well as the prices agreed on by the commissioners, or a majority of them.

The former contracts, and the modifications thereunder arising, have already contemplated a plan for the construction of said building, as may be seen (with perhaps the exception of the keeper's and warden's dwelling) by reference to the appropriate communication heretofore made to the General Assembly, and published in the Documentary Journal for 1844–5, and 1845–6. Without by any means insisting that this plan and its modifications are unsusceptible of improvements, it is respectfully submitted, that it would be the safer course that the plan authorized by this bill to be made by the present commissioner, however advisable it is hoped it will be found to be, should be submitted to the General Assembly for final approval, before the close of the present session.

Again: the contract to be made by the Governor must conform to both the terms and the prices fixed by the commissioner, and must be made with the present lessee. This renders the contract a mere matter of form as to these essential particulars. It must thus be made, although better terms and prices for the State should be offered from another, even the most responsible quarter. It is submitted that the requisite authority should be given to obviate this difficulty, especially as the control of the convict labor will enable the present lessee to enter into competition with others with superior advantages.

Again: the supervisor of the work on the part of the State, who, by the third section of the bill is to be elected by the General Assembly, is empowered by the fourth section not only "to see that the work is done in accordance with the terms of the contract," but he is thereby further authorized to give his "directions in the performance of the contract, by which the lessee *shall be* governed." This power it will be seen, on reflection, would enable the supervisor virtually to change the contract itself, accordingly as his individual and irresponsible construction of the same may happen to be. This might operate to the injury of the lessee, or of the State, or of both, to say nothing of the effect it might have upon the liability of the sureties. should the Legislature authorize sureties to be taken. The duty of the late superintendent appointed by the present executive, was limited to a strict observance of the quality and progress of the work, to its conformity with the contract, and to such directions as from

time to time might be given, as authorized by the contract itself, and merely to notify the contractor, in case of a deviation, that such deviation so far as it might extend, would not be accepted or recognized by the State as a performance of the contract; leaving the contractor still with the *power* to continue the work according to his own construction of the contract, but at the same time at *his own risk*. It is hoped that this objection will not be regarded as trivial, when it is considered that an agent, who was a practical mechanic and an architect, and who was sent to examine and give his opinion as to a difference of judgment, touching the construction of the contract that had arisen between the superintendent and the contractor, decided that not to be a substantial deviation which, if suffered, would, in the judgment of divers persons of admitted skill and practical experience, have resulted to the injury of the State, and to the pecuniary benefit of the contractor. This is mentioned simply as an illustration of the evils that may flow from the provision in question, should the bill become a law, and not as impugning the motives of the agent referred to. Laws should be framed and guarded with an eye to the possible infraction, and this is the more especially necessary where power is conferred without check, appeal, or supervision; and particularly as in the present case, where the pecuniary interests involved are large, and bear directly upon the treasury of the State.

It is also submitted, whether the lessee should not be required to give securities for the performance of the contract by the *time*, and in the *manner* therein to be specified. Measures should especially be taken to insure its completion at the earliest practicable period. This is called for by humanity, by sound policy, and by the plainest principles of economy. The work protracted from year to year, might otherwise constitute a standing excuse for application to the legislature for modification, for relief from supposed hardship, and for further appropriations. In this way it would endanger the frittering away of the annual rent due from the lessee, of which there have heretofore been but too many examples. By reference to the act of last session to provide for leasing the State prison, it will be seen that the sureties therein required of the lessee would not be bound for the performance of the contract contemplated by this bill.

A retrospect of our State prison system from its commencement, affords but little cause for congratulation in a financial point of view. While individuals have been enriched by it, it has operated as a constant drain upon the treasury. The State's dividends have been swallowed up in supposed improvements, which after all, have been necessarily abandoned as inadequate to the objects of their construction. It is difficult to comprehend how it is, that the constant labor of so many men as have been employed in our State prison, and during so many years, has not yet been found sufficient for the construction of a shelter and place of security suitable to their wretched

condition, and this fact, it is conceived, affords abundant proof that something in the system and its management is radically wrong.

And now wnen about to commence a new system, it is very important that, profiting alike by past experience, a careful foresight, and a thorough deliberation, our action shall be so shaped, that we may not hereafter have occasion for lasting regret, and when it will be too late for a remedy.

These are some of the objections which have presented themselves to my mind against the bill in question, and which are hastily and briefly thrown together in a press of public business. I present them with the less reluctance, because, should the legislature on further consideration still desire to pass the bill, it can be done under our constitution by the vote of a bare majority of all the members elected, notwithstanding my dissent.

JAS. WHITCOMB.

December 31*st*, 1846.

The question then being,

"Shall the bill pass, notwithstanding the objections of his excellency, the Governor?"

And the ayes and noes being called, according to the requisitions of the constitution in such cases made and provided,

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Battell, Carr of Clark, Cassatt, Clark, Colms, Cravens, Dole, Dowling, Edwards, Ferguson, Gilleece, Gordon, Griffis, Green, Hall of Warren, Hamilton, Harding, Harvey, Hendricks, Hill, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Kerr, McCormack, Meredith, Moore, Noel, Parker, Porter, Powell, Scott, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tait, Thomas, Trimble, Walker, Watts, Wise, Yaryan, and Mr. Speaker—50.

Those who voted in the negative are,

Messrs. Arnold, Brown, Balding, Carr of Lawrence, Carnahan, Crookshank, Deam, Decker, Dobson, Dunham, Hanna, Hatfield, Hicks, Holman, Huffstetter, Jenison, Johnson, Jones of Blackford, Jones of Greene, Julian, Lemmonds, Lewis, Logan, Lutz, Mason, May, Miller, Monk, Neal, Nofsinger, Norton, Osborn, Palmer, Parks, Secrest, Shields, Sleeth, Smiley, Tackett, Tebbs, Thompson, Wiley, Wilson, Wolfe, Woodruff, and Young—46.

So said bill did not pass.

Mr. Thompson moved a reconsideration of the vote just taken.

Messrs. Harvey and Colms demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Brown, Battell, Cassatt, Clark, Colms, Dole, Dowling, Edwards, Ferguson, Gordon, Griffis, Green, Hall of Warren, Hamilton, Harding, Harvey, Hendricks, Hicks, Hill, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Julian, Kerr, McCormack, Meredith, Moore, Noel, Parker, Porter, Powell, Scott, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tait, Thomas, Thompson, Trimble, Walker, Watts, Wise, Yaryan, and Mr. Speaker—51.

Those who voted in the negative are,

Messrs. Arnold, Balding, Carr of Lawrence, Carnahan, Cravens, Crookshank, Deam, Decker, Dobson, Dunham, Fuller, Gilleece, Hall of Posey, Hanna, Harlan, Hatfield, Holman, Huffstetter, Jenison, Johnson, Jones of Blackford, Jones of Greene, Lemmonds, Lewis, Logan, Lutz, Mason, May, Miller, Monk, Neal, Nofsinger, Norton, Osborn, Palmer, Parks, Secrest, Shields, Sleeth, Smiley, Tackett, Tebbs, Wiley, Wilson, Wolfe, Woodruff, and Young—48.

So said vote was reconsidered.

The question then being,

"Shall the bill pass notwithstanding," &c.,

And the ayes and noes being called according the constitution in such cases made and provided,

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Brown, Battell, Cassatt, Clark, Colms, Cravens, Dole, Dowling, Edwards, Ferguson, Gilleece, Gordon, Griffis, Green, Hall of Warren, Hamilton, Harding, Harvey, Hendricks, Hill, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Kerr, McCormack, Meredith, Moore, Noel, Parker, Porter, Powell, Scott, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tait, Thomas, Thompson, Trimble, Walker, Watts, Wise, Yaryan, and Mr. Speaker—51.

Those who voted in the negative are,

Messrs. Arnold, Balding, Carr of Lawrence, Carnahan, Crookshank, Deam, Decker, Dobson, Dunham, Fuller, Hall of Posey, Hanna, Harlan, Hatfield, Hicks, Holman, Huffstetter, Jenison, Johnson, Jones of Blackford, Jones of Greene, Julian, Lemmonds, Lewis, Logan, Mason, May, Miller, Monk, Neal, Nofsinger, Norton, Osborn, Palmer, Parks, Secrest, Shields, Sleeth, Smiley, Tackett, Tebbs, Wiley, Wilson, Wolfe, Woodruff, and Young—46.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Cassatt, a petition from citizens of Wabash county, praying for authority to construct a bridge on the feeder dam opposite Lagro in Wabash county.

Which was referred to a select committee of Messrs. Cassatt, Holman, and Parker.

By Mr. Hill, the petition of sundry citizens of Jennings county, praying the extension of an act therein named.

Which was referred to the select committee who have the same subject under consideration.

By Mr. Crookshank, a petition praying the passage of a law for the protection of stock, &c., from drovers.

Which was referred to a select committee who have that subject under consideration.

By Mr. Tebbs, a petition from sundry citizens of Dearborn county in relation to a road therein named.

Which was referred to the committee on roads.

By Mr. Carnahan, the memorial of Letitia Jane Grigsby, praying a divorce.

Which was,

On motion by Mr. Yaryan,

Laid on the table.

Mr. Stanfield made the following report:

MR. SPEAKER:

The committee on the judicary to whom was referred Senate bill No. 81, repealing section nine of chapter nine of article one of Revised Code of 1843, in relation to notaries public, have had the same under consideration, and directed me to report the same back and recommend its passage.

Said bill was read a second time and ordered to be engrossed for a third reading.

Mr. Julian made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred the petition of William Kizer and others of Randolph county, praying certain amendmets in the law regulating the granting of licenses to retail spirituous liquors, have had the same under consideration, and have directed me to report, that the changes and amendments prayed for are embodied in a bill now before the committee, which will be re-

ported to the House. The committee, therefore, without recommending or condemning the proposed amendments, are of the opinion that it is unnecessary to take any further action on said petition, and the committee ask to be discharged, &c.

Which was concurred in.

The question before the House on its adjournment at noon on Saturday last, was on ordering to a third reading bill of the Senate,

No. 127. A bill for the purpose of settling the debt of the Wabash Manual Labor College and Teachers' Seminary in the Sinking Fund of the State, and for other purposes.

Mr. Watts offered the following amendment:

Whereas, it appears that the trustees of the Indiana Asbury University, by the voluntary aid of the friends of literature and science, and with a zeal for the spread of knowledge which deserves encouragement at the hands of the State, have founded an University which will shortly, by its ample endowment, be placed on a secure foundation: And whereas, in the erection of buildings and purchasing property for the promotion of the cause of education, said University has become embarrassed so as to require a loan of ten thousand dollars:

Sec. —. *Be it further enacted, as aforesaid*, That it shall be lawful for the commissioners of the sinking fund to loan to the trustees of the Indiana Asbury University, out of that part of the sinking fund arising from the surplus revenue, the sum of ten thousand dollars, of the funds in their charge, for the term of ten years, when good and sufficient security shall be offered by said trustees.

Sec. 2. And in consideration of said loan, and in lieu of interest thereon, said trustees shall give good and sufficient security to said commissioners, that they will educate any number of students not exceeding one from each county, who shall be selected as common school teachers, in the same manner in which other students are directed by law to be selected by the counties for education in the State University.

Mr. Stanfield moved to lay the amendment on the table.

Mr. Harlan demanded the previous question.

Which was seconded by the House.

The question then being,

"Shall the main question be now put?"

It was decided in the affirmative.

And the main question being,

"Shall the bill be ordered to a third reading on to-morrow?"

Messrs. Secrest and Stanfield demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Brown, Balding, Battell, Carnahan, Cassatt, Clark, Colms, Crookshank, Decker, Dole, Dowling, Edwards,

Fuller, Gilleece, Gordon, Griffis, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Harlan, Harvey, Hendricks, Hicks, Holland, Hostetter, Huff, Hull, Hunt, Jenison, Jones of Blackford, Julian, Lutz, May, McCormack, Meredith, Moore, Neal, Noel, Nofsinger, Norton, Palmer, Parker, Parks, Porter, Powell, Secrest, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Trimble, Walker, Yaryan, and Mr. Speaker—58.

Those who voted in the negative are,

Messrs. Arnold, Carr of Clark, Carr of Lawrence, Cravens, Deam, Dobson, Dunham, Ferguson, Green, Hatfield, Holman, Huddleston, Huffstetter, Johnson, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Mason, Miller, Monk, Osborn, Scott, Shields, Sleeth, Suit, Summers, Tackett, Tait, Tebbs, Thomas, Thompson, Watts, Wiley, Wilson, Wise, Wolfe, Woodruff, and Young—40.

So said bill was ordered to a third reading.

Mr. Porter made the following report:

MR. SPEAKER:

The committee on corporations, to which was referred bill of the House No. 215, entitled "An act to amend an act granting to the citizens of Madison and the town of Lawrenceburgh a city charter," have had the same under consideration, and have directed me to report the same back to the House with an amendment, adding thereto section 33, and ask the concurrence of the House therein, and with said amendment to recommend its passage.

The amendment referred to in the above report is as follows:

SEC. 33. It is hereby made the duty of the Secretary of State to forward a certified copy of this act to the mayor of said city immediately after its passage."

Which was concurred in by the House, and

Said bill was read a second time and ordered to be engrossed for a third reading.

Mr. Thomas made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Asahel Gittner and others, praying a relocation of the State road leading from Rushville, in Rush county, to Laurel, in Franklin county, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 288. An act to relocate the State road from Rushville, in Rush county, to Laurel, in Franklin county;

Was read a first time and ordered to a second reading.

Mr. Osborn made the following report:

Mr. Speaker:

The select committee to which was referred the petition of sundry citizens of Knox and Sullivan counties, praying for the repeal of the law authorizing a levee to be constructed on Shaker prairie, and also the remonstrance of sundry citizens of the same counties against the repeal of said law, and also praying for a change of the same, have had that subject under consideration, and have directed me to report the accompanying bill in pursuance of the prayer of said remonstrants.

No. 289. An act to amend an act entitled "An act relative to leveeing the Wabash river on Shaker prairie," approved January 14, 1846;

Which was read a first time and ordered to a second reading.

Mr. Secrest made the following report:

Mr. Speaker:

The select committee, to whom was referred bill of the House No. 194, have had the same under consideration, and have directed me to report said bill back with one amendment, and upon the adoption of said amendment, respectfully to recommend its passage:

Strike out all after the enacting clause and insert the following substitute:

Said amendment, which is a new bill, was concurred in by the House, and said bill,

No. 194. A bill to amend the fifth section of chapter 12, of Revised Statutes of 1843;

Was read a second time and ordered to be engrossed for a third reading.

Mr. Dobson made the following report:

Mr. Speaker:

The select committee to whom was referred the petition of sundry citizens of Owen county, praying for a repeal of the law confining voters to their several townships, have had that subject under consideration, and have directed me to report the following bill:

No. 290. An act to repeal an act entitled "An act to confine voters to their respective townships," approved January 13, 1845, so far as it relates to Owen county;

Was read a first time and ordered to a second reading.

Mr. Trimble, chairman of a select committee, made the following report:

Mr. Speaker:

The select committee, to which was referred the petition of Thomas S. Neely and others, praying the incorporation of the town of Muncie, in Delaware county, Indiana, have have had that subject under consideration, and directed me to report the following bill, and recommend its passage, and ask to be discharged from the further consideration of the same.

No. 291. An act to incorporate the town of Muncie, in Delaware county;

Which was read a first time and ordered to a second reading.

Mr. Wolfe made the following report:

Mr. Speaker:

The select committee to whom was referred House bill No. 142, entitled "An act to amend the 91st section of the 3d article of chapter 16, and the 87th and 8th sections of the same article and chapter of the Revised Statutes of 1843," in reference to the duties of supervisors of roads, have had the same under consideration, and directed me to report the same, with one amendment, and recommend its passage as amended, and ask to be discharged from the further consideration thereof.

Amend as follows:

Sec. 3. The board of commissioners of said county shall hereafter say how much road tax is necessary (*if any*) to be levied for road purposes in said county from year to year, but in no case shall there be more than five cents on each one hundred dollars assessed on actual residents for that purpose. The said board shall hereafter levy a road tax on all property of non-residents of said county, both real and personal, but in no case shall said tax exceed ten cents on each one hundred dollars assessed.

Said amendment was concurred in by the House, and

Said bill was read a second time, and ordered to be engrossed for a third reading.

Mr. Hamilton made the following report:

Mr. Speaker:

The select committee to whom was referred the petition of sundry citizens of the county of Decatur in relation to the granting of licenses to retail spiritous liquors in said county, have had the same

under consideration, and instructed me to report the following bill, and recommend its passage:

No. 292. A bill to change the mode of obtaining license to retail spiritous liquors in Decatur county;

Which was read a first time and ordered to a second reading.

Mr. Dunham made the following report:

Mr. Speaker:

The select committee to which was referred so much of the Governor's message as relates to the subject of calling a convention to alter, revise, or amend the constitution of this State, have had the same under consideration, and have instructed me to report that, as a bill providing for a convention to alter, revise, or amend said constitution has already been introduced into this House and by the same referred to said committee, and as the said committee have acted thereon and their action has been reported to this House, that therefore said committee deem further action by this House on said part of said message unnecessary, and ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Colms offered the following:

Resolved, That the clerk of this House proceed forthwith to the Senate, and respectfully request of that body to return to this House bill No. —, entitled "an act to reduce the fees of the several county officers therein named."

Mr. Noel moved to lay said resolution on the table.

On which motion,

Messrs. Colms and Watts demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Arnold, Brown, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Cravens, Dowling, Dunham, Ferguson, Gilleece, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Hatfield, Holland, Holman, Huddleston, Huff, Huffstetter, Johnson, Jones of Greene, Kerr, Lewis, May, Monk, Moore, Neal, Noel, Nofsinger, Osborn, Palmer, Parker, Parks, Scott, Secrest, Shields, Sleeth, Smiley, Suit, Tackett, Tait, Thomas, Thompson, Trimble, Wiley, Wise, Wolfe, Young, and Mr. Speaker—54.

Those who voted in the negative are,

Messrs. Battell, Cassatt, Colms, Crookshank, Deam, Decker, Dobson, Edwards, Fuller, Gordon, Griffis, Hamilton, Harlan, Harvey, Hendricks, Hicks, Hill, Hostetter, Hull, Hunt, Jenison, Jones of

Blackford, Julian, Lemmonds, Logan, Lutz, McCormack, Meredith, Miller, Norton, Porter, Powell, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tebbs, Walker, Watts, Wilson, and Wolfe—41.

So said resolution was laid on the table.

On motion by Mr. Decker,

Resolved, That the committee on the trust funds be hereby requested to inquire whether such counties as have not received their share of the surplus revenue fund, set apart for common school purposes, can receive the same under existing laws, and if such counties cannot avail themselves of said proportion thereof under the laws now in force on the subject, to report by bill to enable them to obtain the same under proper guards and restrictions.

On motion by Mr. Palmer,

Resolved, That the committee on the trust funds of the State be instructed to inquire whether, under existing laws, the new counties that have not drawn any portion of the three per cent. fund heretofore paid to this State, by the general government, are entitled to draw their pro-rata proportion of such funds, and if they cannot, to inquire into the expediency of making such provision, with leave to report by bill or otherwise.

On motion by Mr. Noel,

Resolved, That the committee on canals and internal improvements be requested to inquire into the expediency of appropriating a sufficient sum of money to rebuild the aqueduct across Fall creek, of the Central Canal, and to make such other repairs on said canal as may be necessary to furnish the lessees of the State the full amount of water power to which they may be entitled. Provided, that whatever amount of money may be drawn from the State Treasury for said purpose shall, as soon as possible, be replaced by the water rents of said canal.

Mr. Secrest offered the following:

Resolved, That the committee on education be and they are hereby instructed to report to this House, without delay, a bill providing for carrying out the prayer of a memorial of the trustees of the Indiana Asbury University, heretofore referred to said committee.

Mr. Miller moved to lay the resolution on the table;

Pending which,

On motion by Mr. Palmer,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

House met.

Mr. Meredith moved to suspend the rules and take up the resolution pending before the House at the adjournment;

Which motion prevailed,

And said resolution was adopted.

The House then went into committee of the whole on the special order of the day, bill of the House

"No. 5. An act providing for holding a Convention to revise and amend the Constitution of the State of Indiana,"

With Mr. Carr of Lawrence in the chair;

And after some time spent therein,

The committee rose and the chairman reported that according to order they had had the bill under consideration, but were not enabled to come to any amendments, and respectfully requested leave to set again;

Which leave was given by the House.

Mr. Palmer moved to suspend the rules and take up bill

No. 68. (Senate.) A bill fixing the times of holding the circuit court in the county of Marion;

Which motion prevailed.

Mr. Sleeth offered the following amendments:

Amend by adding the following in the place of the eighth.

Sec. 8. That after the passage of this act, the Hancock circuit court, at the February term thereof, shall sit nine days if the business thereof requires it, and the Shelby circuit court after the passage of this act, at the February term thereof, shall commence on the first Thursday after the third Monday in said month, and shall sit nine days if the business thereof requires it.

Amend the 9th section and the additional section reported by the select committee by adding after the word "court" wherever it occurs the letter "s" so as to read "courts."

Amend the title to said bill by adding at the end of said title the words "Hancock and Shelby;"

Which amendments were adopted.

Mr. Moore offered an amendment;

When the bill was recommitted to a select committee, consisting of Messrs. Moore, Palmer and Sleeth.

Mr. Watts, on leave granted, offered the following:

Resolved, That the use of the Hall of the House of Representatives be tendered to the trustees and principal of the deaf and dumb asylum, on Thursday evening next, for an exhibition of the pupils of said asylum;

Which was adopted.

Mr. Hull, on motion, had leave to withdraw from the files of last session bill No. 57.

Mr. Dunham, on leave given, introduced the following bill:

No. 293. A bill to repeal a certain act therein named;

Which was read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Dunham, Shields and Porter.

Mr. Green, on leave given, introduced bill

No. 295. A bill to form a new county out of Washington and Harrison;

Which was read a first and second times, the rules being suspended, and referred to the select committee, who have the same subject under consideration.

On leave given, the following bills were introduced:

By Mr. Tebbs,

No. 296. A bill to improve the roads in Centre township, in the county of Dearborn;

By Mr. Noel,

No. 297. An act to extend the privileges of the State Library;

By Mr. Lewis,

No. 298. An act more fully to explain the 54th section, chapter 16 of the Revised Statutes of 1843;

By Mr. Harlan,

No. 299. A joint resolution in relation to settlers upon the "Great Miami Reserve;"

By Mr. Woodruff,

No. 300. A bill for the relief of Henry Wells, sheriff of Lake county;

By Mr. Stewart of Laporte,

No. 301. An act relative to road tax in Laporte county;

By Mr. Cassatt,

No. 294. An act supplemental to an act entitled "an act fixing the time of holding courts in the 8th judicial circuit;

Which were each severally read a first time, and ordered to a second reading.

Mr. Dowling moved to take from the table bill

No. 32. An act to amend an act entitled an act to prohibit the making, issuing or circulating small notes or bills, approved January 20th, 1841;

Which motion prevailed.

On motion by Mr. Holland, bill

No. 251. A bill providing for the settlement of a claim of Adam Modewell;

Was taken from the table and referred to the committee on claims.

Mr. Stanfield moved to take up the message of the Senate, containing the resolution on the final adjournment of the session.

On this motion,

Messrs. Stanfield and Suit demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Arnold, Brown, Carr of Clark, Clark,

Colms, Cravens, Ferguson, Gilleece, Gordon, Griffis, Green, Hamilton, Hanna, Harding, Harvey, Hicks, Holman, Hostetter, Huddleston, Huff, Huffstetter, Jenison, Johnson, Julian, Lutz, McCormack, Meredith, Monk, Moore, Norton, Powell, Scott, Shields, Stanfield, Stewart of Fayette, Suit, Summers, Tackett, Tait, and Thomas—42.

Those who voted in the negative are,

Messrs. Balding, Battell, Carr of Lawrence, Carnahan, Cassatt, Crookshank, Deam, Decker, Dobson, Dole, Dowling, Dunham, Edwards, Fuller, Hall of Posey, Hall of Warren, Hatfield, Hendricks, Hill, Holland, Hull, Hunt, Jones of Blackford, Jones of Green, Kerr, Lemmonds, Lewis, Logan, Mason, May, Miller, Neal, Nofsinger, Noel, Osborn, Palmer, Parker, Parks, Porter, Secrest, Sleeth, Smiley, Stewart of Laporte, Tebbs, Walker, Wiley, Wilson, Wise, Wolfe, Woodruff, Young, and Mr. Speaker—52.

So said motion did not prevail.

On motion by Mr. Harlan,

The House adjourned until to-morrow morning, 9 o'clock.

TUESDAY MORNING, January 5, 1847.

The House met pursuant to adjournment.

Mr. Parks presented the petition of sundry citizens of Marshall county, praying the repeal of all laws making distinctions on account of color;

Which was laid on the table.

Mr. Porter made the following report:

Mr. Speaker :

The committee on the judiciary, to which was referred bill of the Senate, No. 56, entitled "A bill declaring the meaning of sections 143 and 145, of chapter 40, of the Revised Statutes of 1843," have had the same under consideration and have directed me to report the same back to the House and recommend its passage.

Said bill was read a second time and ordered to a third reading.

Mr. Julian made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred bill No. 162, entitled "A bill for the benefit of Jesse Wolf, a convict in the State Prison," have had the same under consideration, and directed me to report that they have examined the premises and find all the material facts in the preamble to said bill to be true; that they have had the keeper of the prison and divers other competent persons well acquainted with the life, character and services of the said Jesse before them, who all agree that one of the great ends of punishment, to-wit, reformation, has been accomplished; and that he is a fit subject of clemency. Believing, however, as your committee do, that, under the constitution, clemency in such cases belongs to His Excellency, the Governor, alone, they are compelled to report against the passage of the bill, and recommend its indefinite postponement; but at the same time recommend his case to the favorable consideration of the Governor.

On motion by Mr. Secrest,

Said report was concurred in, with the exception of the last clause, and

Said bill was indefinitely postponed.

Mr. Harvey made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred Senate bill No. 45, entitled "A bill to authorize clerks of circuit courts to issue writs to other counties in certain cases," have had the same under consideration, and instructed me to report the same back to the House, without amendment, and recommend its passage, and said committee ask to be discharged from further consideration of the subject.

Said bill was read a second time, and ordered to a third reading.

On motion by Mr. Crookshank,

Mr. Carr of Lawrence was added to the committee who have under consideration the State debt bill.

Mr. Sleeth made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred bill of the House No. 271, entitled "An act to amend the 8th section of an act regulating the fees and salaries of the several officers and persons therein named," approved February 7th, 1831, relative to the issuing of fee bills by county recorders and surveyors, have considered the

subject and directed me to report said bill back to the House and recommend its passage.

Said bill was read a second time and ordered to be engrossed for a third reading.

Mr. Porter made the following report:

Mr. Speaker:

The judiciary committee, to whom was referred bill of the House No. 222, entitled "An act to amend section 414, of chapter 40, of the Revised Statutes of 1843," relative to the advertising of real estate at sheriff's sale, have had said bill under consideration and have directed me to report the same back with an amendment, by striking the same out from the enacting clause and inserting in lieu thereof the accompanying amendment, and if said amendment be adopted, to recommend its passage.

Said amendments, (a new bill,) were concurred in by the House, and said bill was read a second time and ordered to be engrossed for a third reading.

Mr. Hunt made the following report:

Mr. Speaker:

The committee on education having received a resolution of the House instructing said committee to report to this House without delay a bill providing for the carrying out of the prayer of a memorial of the Indiana Asbury University, heretofore referred to said committee, have considered the subject and, in obedience to said instructions, directed me to report the following bill:

No. 302. An act to loan funds to the Indiana Asbury University;

Was read a first time and ordered to a second reading.

Mr. Hunt made the following report:

Mr. Speaker:

The committee on education, to whom was referred the petition of R. H. Sanderson and others, praying the Legislature to authorize the citizens of a certain school district therein named, to send to either of two school houses already erected within said district, and draw their proportion of the school funds, have had that subject under consideration, and directed me to report the following bill and recommend its passage:

No. 303. An act for the relief of the inhabitants of district No.

6, in township 2 north, range 2 east, in Orange and Washington counties;

Was read a first time and ordered to a second reading.

Mr. Fuller made the following report:

Mr. Speaker:

The standing committee on military affairs, to whom was referred sundry petitions and resolutions requesting a re-organization of the militia of the State of Indiana, beg leave to report that they have had the subject under consideration and have directed me to report the following bill and recommend its passage:

No. 304. A bill to re-organize and regulate the militia of the State of Indiana;

Was read a first time and ordered to a second reading.

Mr. Dole made the following report:

Mr. Speaker:

The committee on canals and internal improvements, to whom was referred Senate bill No. 112, entitled "An act to legalize the transfer of certain canal land certificates," have had the same under consideration, and a majority of the committee believing that the subject requires judicial investigation, have instructed me to report the same back to the House, and recommend that it be referred to the committee on the judiciary, and the committee ask to be discharged from the further consideration of the subject.

Which was concurred in, and

Said bill was referred to the committee on the judiciary.

Mr. Carr of Lawrence, made the following report:

Mr. Speaker:

The select committee to which was referred sundry petitions praying a part of the territory of Grant county to be attached to the county of Blackford; also sundry remonstrances on the same subject, have, according to order, had the same under consideration, and a majority of said committee have directed me to report that, in their opinion, it is inexpedient to grant the prayer of the petitioners at this time, and ask to be discharged from the further consideration of the subject.

Mr. Jones of Blackford, from the minority of said committee, made the following report:

Mr. Speaker:

The minority of the committee to whom was referred the petitions and remonstrances of sundry citizens of Grant and Blackford counties, asking for three miles of the eastern portion of the county of Grant to be attached to the county of Blackford, have had the same under consideration, and after deliberately comparing the petitions with the remonstrances, and examining all other matters touching said prayer, find the following facts to exist:

1st. We find that a majority resident on said territory of three miles are found opposed to such change.

2d. We find that on the first mile and one half the majority of the citizens have petitioned this body for an attachment to the county of Blackford.

We find also that in their notices they have followed the law in such cases made and provided.

And as the county of Grant has more than her constitutional size, and the county of Blackford having only one hundred and sixty-five miles, we can, therefore. see no good reason why such surplus territory should not be attached to the county of Blackford.

On concurring in the report of the majority of the committee,

Messrs. Harlan and Jones of Blackford, demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Carr of Clark, Clark, Colms, Cravens, Deam, Dobson, Edwards, Griffis, Harlan, Harvey, Hicks, Hostetter, Jones of Greene, Julian, May, McCormack, Meredith, Palmer, Parker, Parks, Porter, Powell, Shields, Smiley, Stanfield, Stewart of Fayette, Suit, Summers, Tebbs, Wilson, Woodruff, Young, and Mr. Speaker—33.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Arnold, Balding, Battell, Carnahan, Cassatt, Decker, Dunham, Ferguson, Fuller, Gilleece, Gordon, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Hatfield, Hill, Holland, Holman, Huddleston, Huff, Hull, Hunt, Jenison, Jones of Blackford, Kerr, Lemmonds, Lewis, Logan, Lutz, Miller, Monk, Moore, Neal, Noel, Nofsinger, Norton, Osborn, Scott, Secrest, Sleeth, Stewart of Laporte, Tackett, Tait, Thomas, Thompson, Trimble, Walker, Watts, Wiley, Wise, Wolfe, and Yaryan—56.

So said report was not concurred in.

Said petitions were then recommitted to a select committee of Messrs. Jones of Blackford, Porter, Wolfe, and Battell, with instructions to report a bill for one and one-half miles.

Mr. Clark made the following report:

Mr. Speaker:

The select committee to whom bill of the House No. 279, "to extend the jurisdiction of justices of the peace in Lagrange county," have had the same under consideration, and have directed me to report the same back and recommend its passage.

Said bill was read a second time and ordered to be engrossed for a third reading.

Mr. Wilson made the following report:

Mr. Speaker:

The select committee to whom was referred a petition of sundry citizens of the counties of Noble and Lagrange, praying for a State road, have had that subject under consideration, and instructed me to report the following bill and recommend its passage, and ask to be discharged from the further consideration of the same.

No. 305. An act to locate a State road between the counties of Noble and Lagrange.

Was read a first time and ordered to a second reading.

Mr. Thompson from the select committee which was appointed to take into consideration that part of the Governor's Message which relates to free trade, &c., made a report,

Which Mr. Colms moved to be laid upon the table, and that two thousand copies be printed.

On this motion,

Messrs. Logan and Dunham demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Battell, Cassatt, Clark, Colms, Cravens, Dole, Dowling, Edwards, Gordon, Griffis, Hall of Warren, Hamilton, Harvey, Hendricks, Hill, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Julian, Kerr, Lutz, Meredith, Noel, Parker, Porter, Scott, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tait, Thomas, Thompson, Trimble, Walker, Watts, Wise, and Mr. Speaker—44.

Those who voted in the negative are,

Messrs. Arnold, Brown, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Crookshank, Deam, Decker, Dobson, Dunham, Fuller, Gilleece, Green, Hall of Posey, Hanna, Harding, Hatfield, Hicks, Holman, Huffstetter, Jenison, Johnson, Jones of Greene, Lemmonds, Lewis, Logan, Mason, May, McCormack, Miller, Monk, Moore, Neal, Nofsinger, Norton, Osborn, Parks, Powell, Secrest, Shields, Sleeth,

Smiley, Tackett, Tebbs, Wiley, Wilson, Wolfe, Woodruff, Yaryan, and Young—51.

So said motion did not prevail.

Mr. Suit moved that the report be laid upon the table and one thousand copies be printed.

On this motion,

Messrs. Hanna and Suit demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Brown, Battell, Cassatt, Clark, Colms, Cravens, Dole, Dowling, Edwards, Gordon, Griffis, Green, Hall of Warren, Hamilton, Harding, Harvey, Hendricks, Hill, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Julian, Kerr, Lutz, McCormack, Meredith, Noel, Parker, Porter, Powell, Scott, Stanfield, Stewart of Fayette, Suit, Summers, Tait, Thomas, Thompson, Trimble, Walker, Wise, Yaryan, and Mr. Speaker—50.

Those who voted in the negative are,

Messrs. Arnold, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Crookshank, Deam, Decker, Dobson, Dunham, Fuller, Gilleece, Hall of Posey, Hanna, Hatfield, Hicks, Holman, Huffstetter, Jenison, Johnson, Jones of Greene, Lemmonds, Lewis, Logan, Mason, May, Miller, Monk, Neal, Norton, Osborn, Palmer, Parks, Secrest, Shields, Sleeth, Smiley, Tackett, Tebbs, Wiley, Wilson, Wolfe, Woodruff, and Young—44.

So said motion prevailed.

And one thousand copies were ordered to be printed.

Mr. Miller made the following report:

Mr. Speaker:

The select committee to whom was referred the bill of the Senate No. 51, entitled "A bill for the relief of the purchasers of seminary lands in Gibson and Monroe counties," have, according to order, had the same under consideration, and a majority have instructed me to report the bill back to the House, and recommend its passage.

Said bill was read a second time and ordered to a third reading.

Mr. Hatfield made the following report:

Mr. Speaker:

The select committee to whom was referred bill of the House No. 275, have had the same under consideration, and directed me to re-

port it back to the House without amendment, and recommend its passage.

Said bill was read a second time and ordered to be engrossed for a third reading.

On motion by Mr. Fuller,

Resolved, That the committee of ways and means be instructed to allow in the specific appropriation bill, to Thomas P. Baldwin, three dollars per day for each day he has or may serve as clerk to the committee on military affairs, to be certified to said committee of ways and means by the chairman of said committee on military affairs.

On motion by Mr. Lewis,

Resolved, That the committee on education be instructed to inquire into the expediency of providing by law for assessing and collecting a sum, not to exceed ten cents on the hundred dollars valuation, to go to the support of common schools.

On motion by Mr. Meredith,

Resolved, That this House appoint a select committee of three to examine the books of the Treasurer and Auditor of State in relation to lessees of water power on the Central Canal in the immediate vicinity of Indianapolis, under what law they receive their leases, and what amount of water leased, and what amount of money paid by said lessees, and what amount of money due, if any, from said lessees, and whether the State is bound to furnish said lessees with water.

Whereupon, the Speaker appointed Messrs. Meredith, Porter, and Wolfe, said committee.

On motion by Mr. Lemmonds,

Resolved, That the committee on education be instructed to inquire into the expediency of having a portion of the copies of the school laws printed in the German language, and report by bill or otherwise.

On motion by Mr. Gordon,

Resolved, That the committee on elections be instructed to inquire into the expediency of making the laws more explicit on the subject of naturalized citizens voting.

Mr. Holland offered the following:

Resolved, That the Auditor of State be requested to report to this House at his earliest convenience, how many clerks are necessary to be employed in the State Auditor's office during the year, and what amount is proper for such service, so that the public business shall not suffer, nor accounts of public officers go unexamined, and our various trust funds be properly attended to.

Which was not adopted.

Mr. Tebbs offered a joint resolution relative to the removing the remains of the Hon. Tilghman A. Howard, late charge de affairs to the then Republic of Texas;

Which was referred to a select committee, consisting of Messrs. Tebbs, Sleeth, and Thompson.

Mr. Colms introduced the following:

No. 206. A joint resolution in relation to Wabash and Erie Canal scrip;

Which was read a first time, and ordered to a second reading.

BILLS INTRODUCED.

By Mr. Stanfield:

No. 307. An act changing the time of holding the probate court in the county of St. Joseph;

Which was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

By Mr. Balding:

No. 308. An act to regulate the price of tax deeds.

By Mr. Gilleece:

No. 309. An act amendatory to the 30th chapter of the Revised Statutes of 1843.

By Mr. Hatfield:

No. 310. An act providing for the fees of auditor of Hancock county.

By Mr. Hendricks:

No. 316. A bill to amend an act entitled, "an act relative to overseers of the poor," approved January 15, 1844.

Which were each read a first time, and ordered to a second reading.

ORDERS OF THE DAY.

House Bills on Third Reading.

No. 110. An act to change the time of holding courts in the seventh judicial circuit, and for other purposes;

No. 142. An act to amend the 91st section of the 3d article of chapter 16, and the 87th of the same article and chapter of the Revised Statutes of 1843, in reference to the duties of supervisors of roads and highways;

Were each read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 147. An act to amend the 40th section of chapter 35, of the Revised Statutes of 1843;

Was read a third time; when,

Mr. Neal moved to indefinitely postpone the bill.

On this motion,

Messrs. Secrest and Julian demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Balding, Battell, Cravens, Deam, Dobson, Ferguson, Green, Hall of Warren, Hamilton, Hanna, Harding, Harlan, Hostetter, Huddleston, Hunt, Jenison, Jones of Greene, Julian, Kerr, Lewis, Lutz, Meredith, Moore, Neal, Osborn, Porter, Powell, Secrest, Shields, Smiley, Stanfield, Stewart of Laporte, Suit, Summers, Thomas, Trimble, Wiley, Wilson, Wolfe, and Yaryan—40.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Brown, Carr of Clark, Carr of Lawrence, Carnahan, Cassatt, Clark, Decker, Dole, Dowling, Dunham, Edwards, Gilleece, Gordon, Griffis, Hall of Posey, Harvey, Hatfield, Hendricks, Hicks, Hill, Holland, Holman, Huff, Huffstetter, Jones of Blackford, Lemmonds, Logan, May, McCormack, Miller, Monk, Noel, Nofsinger, Palmer, Parker, Parks, Scott, Sleeth, Stewart of Fayette, Tackett, Thompson, Walker, Watts, Wise, Young, and Mr. Speaker—50.

So said bill was not indefinitely postponed.

Mr. Porter moved to recommit the bill to a select committee with instructions to strike out the second section.

Mr. Dunham demanded a division of the question;

Which was seconded;

And the question then being on recommitting the bill to a select committee,

It was decided in the affirmative.

The instructions of Mr. Porter were then adopted; and,

On motion by Mr. Balding,

The House adjourned until two o'clock, P. M.

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2 o'clock, P. M.

House met.

The following message was received from the Senate by Mr. Jones, their Secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House without amendment.

No. 98. An act making an appropriation to pay J. R. Morledge, a contractor on the Madison and Indianapolis Railroad;

No. 236. A bill to vacate certain streets in the town of South Greencastle, Putnam county.

Mr. Cassatt made the following report:

Mr. Speaker:

The committee on enrolled bills have compared the following enrolled with the engrossed bills, and find them correctly enrolled.

No. 33. An act to incorporate the Clifty Band of Musicians in Decatur county;

No. 91. An act to fix the time of holding courts in the eighth judicial circuit;

No. 53. An act to amend section 128, chapter 35, of the Revised Statutes of 1843;

No. 51. An act repealing certain acts in relation to the county of Posey;

No. 4. An act providing for the correction of errors in patents for lands sold by the State.

No. 84. An act to reduce the price of the Revised Statutes of 1843;

No. 236. An act to vacate certain streets in the town of South Greencastle, Putnam county.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

The following message was received from the Governor by Mr. Hanna, his private secretary.

Mr. Speaker:

I am directed by the Governor to inform the House of Representatives, that he did on the 4th instant, approve and sign the following bills, to-wit:

No. 28. An act to repeal a certain law therein named;

No. 23. An act relative to a certain school district in Hendricks county;

No. 35. An act empowering the board of commissioners of Kosciusko county to hold certain real estate;

And that he did on this day approve and sign the following bills.

No. 4. An act providing for the correction of errors in patents for canal lands sold by the State;

No. 33. An act to incorporate the Clifty Band of Musicians in Decatur county;

No. 51. An act repealing certain acts in relation to the county of Posey;

No. 53. An act to amend section 128, chapter 35, of the Revised Statutes of 1843;

No. 236. An act to vacate certain streets in the town of South Greencastle, Putnam county;

No. 84. An act to reduce the price of the Revised Statutes of 1843.

On motion by Mr. Palmer,

The following message from the Governor, by Mr. Hanna, his private secretary, was taken up.

MR. SPEAKER:

I am directed by the Governor to transmit to the House of Representatives, bill No. 91, entitled, "An act to fix the time of holding courts in the eighth judicial circuit," with his reasons for withholding his approval of said act.

Gentlemen of the House of Representatives:

I herewith return the bill which originated in the House, entitled, "An act to fix the time of holding courts in the eighth judicial circuit," with the reasons which have constrained me to withhold my approval of the same.

1. It is insensible, so far as regards the time of holding the Wabash circuit court, in this, that it provides the same to be held "on the Mondays succeeding the courts in the [same county] of Wabash."

2. It provides for the time of holding the circuit courts in the county of Richardville, when there is no such county in the State, and it contains no provision for holding such courts in the county of Howard, which lies within the above judicial circuit.

The latter error, it is understood, has arisen from the fact that the bill of the present session to change the name of the former county of Richardville to that of Howard, was introduced subsequently to the present bill. But as the former bill was *first* passed by the General Assembly, and was approved on the 28th of December last, and as that bill was therein declared to be in force *from and after its passage*, it follows that at the time the present bill was passed, no such county as Richardville was in existence in this State.

As the object of the present bill is of great and pressing importance, it is returned at the earliest moment, to enable your honorable body to take such action in the premises as may be considered advisable and proper.

JAS. WHITCOMB.

January 5th, 1847.

The question then being,

"Shall the bill pass, notwithstanding the objections of his excellency, the Governor?"

And the ayes and noes being called according to the requisitions of the constitution of the State, in such cases made and provided,

No votes were cast in the affirmative.

Those who voted in the negative are,

Messrs. Addleman, Brown, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Cassatt, Colms, Cravens, Crookshank, Deam, Decker, Dobson, Dowling, Dunham, Edwards, Ferguson, Fuller, Gilleece, Gordon, Griffis, Green, Hall of Posey, Hamilton, Hanna, Harding, Harlan, Harvey, Hatfield, Hendricks, Hicks, Hill, Holland, Holman, Hostetter, Huff, Huddleston, Huffstetter, Hunt, Johnson, Jones of Blackford, Julian, Kerr, Lemmonds, Lewis, Logan, Lutz, Mason, May, McCormack, Meredith, Miller, Monk, Neal, Nofsinger, Osborn, Palmer, Parker, Parks, Porter, Powell, Scott, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tackett, Tait, Thomas, Thompson, Trimble, Walker, Watts, Wiley, Wilson, Wise, Wolfe, Woodruff, Yaryan, Young, and Mr. Speaker —81.

So said bill did not pass.

Mr. Palmer, on leave granted, introduced bill

No. 312. A bill fixing the time of holding courts in the eighth judicial circuit;

Which was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Wolfe,

The vote taken on the passage of bill No. 142, was reconsidered, and said bill amended in the title, as follows:

"An act requiring the supervisors of roads in Sullivan county, to make report at their March term in each year, and for other purposes.

Ordered, That the clerk inform the Senate thereof.

The House then went into committee of the whole on the bill to amend and revise the constitution of the State, with Mr. Carr of Lawrence in the chair.

And after some time spent therein,

The committee rose, and the chairman reported, that in obedience to the commands of the House, they had had that subject under consideration, but were not enabled to come to any conclusion, and respectfully asked leave to sit again.

Which was not granted by the House; and,

On motion by Mr. Miller,

The House adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, JANUARY 6, 1847.

The House met pursuant to adjournment.

The Speaker laid before the House the following communication from his excellency, the Governor.

To the Honorable ROBERT N. CARNAN,
Speaker of the House of Representatives:

SIR:—Herewith are transmitted, agreeably to the request therein expressed, sundry resolutions adopted by the Legislature of New Hampshire at the last session thereof, to be laid before the General Assembly of this State.

JAMES WHITCOMB.

January 5th, 1847.

The following are the resolutions referred to in the foregoing communication:

STATE OF NEW HAMPSHIRE.

Resolved by the Senate and House of Representatives in General Court convened, That the Senators and Representatives from this State in the Congress of the United States be respectively requested to urge in that body the passage of measures providing for the extinction of slavery in the District of Columbia; for its exclusion from Oregon, and other territories that now or at any time hereafter may belong to the United States; for all constitutional measures for the suppression of the domestic slave-trade; and to resist the admission of any new State into the Union, while tolerating slavery.

Resolved, That His Excellency, the Governor, be requested to furnish copies of the foregoing resolution to the Legislatures of the several States, and to our Senators and Representaves in Congress.

JOHN P. HALE,
Speaker of the House of Representatives.
JAMES U. PARKER,
President of the Senate.
ANTHONY COLBY, *Governor.*

Approved July 10, 1846.

A true copy:
GEORGE G. FOGG, *Secretary of State.*

STATE OF NEW HAMPSHIRE.

Resolved by the Senate and House of Representatives in General Court convened, That the people of New Hampshire have a strong and abiding attachment to that policy by the General Government which looks to a wise and equitable protection of all the great and important departments of our national industry; and that, in the opinion of this Legislature, it is the duty of the government, in laying all impost duties and collecting its revenues, to afford such incidental protection to our various industrial pursuits, as may be consistent with an economical administration of its affairs, and the condition of such interests may require.

Resolved, That the Secretary of State be directed to forward a copy of this resolution to the Governor of each of the several States and Territories in the Union, and to our Senators and Representatives in the Congress of the United States.

JOHN P. HALE,
Speaker of the House of Representatives.
JAMES U. PARKER,
President of the Senate.
ANTHONY COLBY, *Governor.*

Approved July 10, 1846.

A true copy:
GEORGE G. FOGG, *Secretary of State.*

STATE OF NEW HAMPSHIRE.

Whereas the government of the United States, by the annexation of a foreign nation, and the admission of the State of Texas into the Union with a constitution which, in effect, makes slavery perpetual therein, have placed us before the world in the false attitude of supporters and defenders of a system of oppression, odious to every friend of liberty, and abhorrent to every principle of humanity and religion; and

Whereas the constant, progressive, and increasing encroachments of the slave power have become so formidable and imperious, that forbearance ceases to be a virtue, and to be silent is to be false to the great interests of liberty: Therefore,

Resolved by the Senate and House of Representatives in General Court convened, That New Hampshire solemnly and deliberately announces and reiterates her abiding and unchanging adherence to the great principle of the declaration of our revolutionary fathers, that "all men are created equal," reasserted in the first article of the Bill of Rights of our own Constitution; that she declares her firm determination that, in the great contest now being waged between slavery and freedom, her voice shall be heard on the side of the oppressed; that she pledges her cordial sympathy, and, within the limits of her constitutional action, her co-operation with the friends of civil liber-

ty throughout the land, in every just and well-directed effort for the suppression and extermination of that terrible scourge of our race, human slavery.

JOHN P. HALE,
Speaker of the House of Representatives.
JAMES U. PARKER,
President of the Senate.
ANTHONY COLBY, *Governor.*

Approved July 10, 1846.

IN SENATE, *July* 10, 1846.

The following resolution, submitted by Mr. Hamilton, was read and adopted:

Resolved, That the Governor be requested to transmit copies of the preamble and resolutions relating to slavery, passed at this session of the Legislature, to the Governors of the several States, with the request that they be laid before their respective Legislatures; and, also, a copy to each of the Senators and Representatives in Congress from this State, to be laid before their respective Houses.

Ordered, That the clerk lay before His Excellency, the Governor, a copy of the foregoing resolution.

J. A. RICHARDSON, *Clerk.*

The foregoing are true copies.
GEORGE G. FOGG, *Secretary of State.*

Mr. Hamilton moved to refer said resolutions to the select committee to whom was referred that portion of the Governor's Message relating to the Mexican war.

Mr. Secrest moved to lay the same on the table.

On which motion,

Messrs. Secrest and Neal demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Arnold, Balding, Carr of Clark, Carnahan, Cassatt, Clark, Deam, Dobson, Dole, Dowling, Dunham, Edwards, Ferguson, Fuller, Gilleece, Hall of Posey, Hanna, Harding, Hatfield, Holman, Hostetter, Huff, Huffstetter, Johnson, Jones of Blackford, Jones of Green, Lemmonds, Lewis, Mason, May, McCormack, Miller, Monk, Neal, Osborn, Palmer, Parks, Scott, Secrest, Shields, Sleeth, Smiley, Tackett, Tebbs, Wiley, Wilson, Wolfe, Woodruff, Young, and Mr. Speaker—51.

Those who voted in the negative are,

Messrs. Addleman, Brown, Battell, Colms, Cravens, Crookshank, Decker, Gordon, Griffis, Green, Hamilton, Harlan, Harvey, Hen-

dricks, Hicks, Hill, Holland, Huddleston, Hull, Hunt, Julian, Kerr, Meredith, Moore, Noel, Porter, Powell, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tait, Thomas, Thompson, Walker, Watts, Wise, and Yaryan—39.

So said resolutions were laid on the table.

Mr. Stanfield on leave being granted, introduced the following resolution:

Resolved, That George Johnson, Esq., be allowed to appear before the committee on the judiciary, by himself or counsel, for the purpose of examining and cross-examining witnesses in relation to charges preferred against him.

Which was adopted.

On motion by Mr. Stanfield,

The judiciary committee were allowed to sit during the session of the House, so long as they may deem it necessary.

On motion by Mr. Thompson,

The petition presented by Mr. Yaryan, and laid on the table, on the 23d ult., was taken up, when

Mr. Secrest moved to lay the same on the table.

On said motion,

Messrs. Secrest and Jones of Greene, demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Arnold, Carr of Clark, Carnahan, Colms, Deam, Decker, Dobson, Dunham, Ferguson, Fuller, Gilleece, Green, Hall of Posey, Hanna, Hatfield, Hicks, Holman, Huff, Huffstetter, Hull, Johnson, Jones of Greene, Lemmonds, Lewis, Logan, Lutz, May, Miller, Monk, Moore, Neal, Nofsinger, Osborn, Porter, Secrest, Shields, Smiley, Suit, Tackett, Tait, Tebbs, Wiley, Wilson, Wolfe, Woodruff, and Young—46.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Brown, Balding, Battell, Cassatt, Clark, Cravens, Crookshank, Dole, Edwards, Gordon, Griffis, Hamilton, Harding, Harlan, Harvey, Hendricks, Hill, Holland, Hostetter, Huddleston, Hunt, Jenison, Julian, Kerr, Mason, McCormack, Meredith, Noel, Parker, Parks, Powell, Scott, Sleeth, Stanfield, Stewart of Fayette, Stewart of Laporte, Summers, Thomas, Thompson, Walker, Watts, Wise, Yaryan, and Mr. Speaker—46.

So said petition was not laid on the table.

Mr. Yaryan moved to refer said petition to a select committee.

On which motion,

Messrs. Secrest and Cravens demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Brown, Balding, Battell, Carr of Clark, Cassatt, Clark, Colms, Cravens, Crookshank, Deam, Dunham, Edwards, Ferguson, Gilleece, Gordon, Griffis, Hamilton, Hanna, Harding, Harlan, Harvey, Hatfield, Hendricks, Hill, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Jenison, Johnson, Julian, Kerr, Lutz, Mason, McCormack, Meredith, Monk, Moore, Noel, Parker, Parks, Porter Powell, Scott, Sleeth, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tait, Thomas, Thompson, Walker, Watts, Wise, Yaryan, and Mr. Speaker—63.

Those who voted in the negative are,

Messrs. Arnold, Carnahan, Decker, Dobson, Fuller, Green, Hall of Posey, Hicks, Holman, Huffstetter, Jones of Greene, Lemmonds, Lewis, Logan, May, Miller, Neal, Nofsinger, Osborn, Palmer, Secrest, Shields, Tackett, Tebbs, Wiley, Wilson, Wolfe, Woodruff, and Young—29.

So said motion prevailed, and

Said petition was referred to a select committee consisting of Messrs. Yaryan, Thompson and Carnahan.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Wise, the memorial of Mary Howell, praying that her marriage with William Howell may be legalized;

Which was referred to a select committee of Messrs. Wise, Harvey and Yaryan.

By Mr. Dunham, the memorial of John Williams praying further time for the payment of certain lands lying in Washington county;

Which was referred to a select committee of Messrs. Dunham, Shields and Suit.

By Mr. Watts, the petition of sundry citizens of Monroe and Lawrence counties relative to the re-location of a certain road therein named;

Which was referred to a select committee of Messrs. Watts, Carr of Lawrence, and Dobson.

By Mr. Dunham, the petition of sundry citizens of Washington county, relative to the granting of license for the retail of spiritous liquors in said county;

Which was referred to a select committee who have that subject under consideration.

By Mr. Scott, a petition for the relief of John Owen;

Which was laid on the table.

By Mr. Dobson, the memorial of Jonathan Bee, praying for a divorce;

Which was laid on the table.

Mr. Nofsinger made the following report:

Mr. Speaker:

The committee on education, to whom was referred House bill No. 276, have had the same under consideration, and directed me to report the bill back and recommend its passage, with the following amendments, viz:

To amend the 4th section, so that every person who shall present himself to the superintendent for examination as common school teacher, such person shall, in advance of such examination, pay to said superintendent the sum of fifty cents, which shall be the fee of said superintendent for such examination.

To amend the 6th section so that the board of county commissioners shall allow said superintendent one dollar for every visit and lecture, instead of two dollars per day for such service.

And also to amend by striking out sections seven and eight.

The undersigned would beg leave further to report, that sundry resolutions have been referred to said committee, instructing the same to inquire into the expediency of revising the common school laws. As a member of said committee, he felt it to be his duty to examine the whole common school law, so far as other engagements would permit; and after that serious investigation which its importance so much demands, has come to the conclusion that a general revision of our common school system would not only be entirely impracticable at the present session of the Legislature, but perhaps prejudicial to the interests of common schools.

It will be recollected that during the session of 1837–8, the common school law was thoroughly revised. Much talent and labor were employed in making this revision. The object was, to make the law plain, full and comprehensible. It was given to the people, trusting that our common schools would prosper under its operation. Yet it was something new. It created much confusion, as all new systems must, especially when complex. They had it to study, and witness its practical operations. Many are now beginning to understand the law; but unfortunately, a majority of those who have children to educate, are but partially acquainted with the law, and many are wholly ignorant of its provisions. Create another new system, and all the knowledge that has been acquired will, to a great extent, be lost. The people will again be thrown into as great confusion as ever. But when we reflect upon the fact, whether a better system could be substituted in the place of our present one, we have an additional argument, and should be a very powerful one against a revision. Our experience has long since taught us, that slight defects in existing systems had better be borne, and are productive of much less evil to the community, than perpetual legislative alterations. It cannot be expected that this Legislature could enact a common school law which would be perfect in all its provisions—a

law that would meet the approbation, and harmonize the action of all our citizens. The population of Indiana is composed of persons not only from every part of the Union, but also from various foreign countries. It is natural for these different inhabitants to bring with them the peculiar customs and habits of their nativity, and to manifest, even through life, some predilection for them. Hence the diversity of opinion, and the discord among the people on the subject of common schools, and which must continue to exist, until time, association, and other influences, conspire to assimilate the tastes and feelings of our diverse population to one common system. And although the elements among us are at this time somewhat discordant, yet it is highly gratifying to reflect that, on account of the wide range which they embrace, when they are ultimately brought to harmonize, they will establish for us the best and broadest foundation for a system of common schools perhaps, in the world. For, in a word, our system would include the practical advantages of all other systems.

From experience, and a careful review of the school systems of New York, Rhode Island, Massachusetts and other States, the undersigned is satisfied that there is much less defect in the provisions of our common school law, than in its administration. The defective administration would seem to arise chiefly from the following causes, viz: Ignorance of the provisions of the law; the absence of penalties compelling school officers to discharge their duties; incompetent teachers; and pecuniary inability and embarrassments. It is confidently hoped that should the bill herewith reported become a law, under its operation the first three causes enumerated would, in a great degree, be removed. The bill provides a superintendent in each county, whose duty it will be to explain the law, to instruct the officers, teachers, and inhabitants what their respective duties are, to recommend the most enlightened method of teaching, and the best plans of constructing common school houses. Who can doubt, if this be done, but that the ignorance and indifference which unfortunately prevail in so many section of our country, on the subject of education, will disappear; and instead thereof a knowledge of their duty, and a vital interest in the subject be manifested. We cannot expect this knowledge to grow up to the people of its own accord. There must be agents to diffuse and impress it, and unless the Legislature provide by law for the creation of such agents, we will never have them. It is unreasonable to suppose that men, unauthorized and without compensation, would assume the discharge of this office. Such a case would be an anomaly; for no such example is furnished by any other department of business.

The offices of district and township trustees, are not profitable, and sometimes still more thankless; and in consequence are often avoided, and perhaps more often, very slackly performed. Hence the necessity for penalties, compelling citizens to accept these offices, and to discharge their duties.

The hope of reward, has always been a powerful incentive for action. The incompetency of common school teachers, is a matter of complaint, all over the State. The undersigned conceives of but one way to remedy this great evil; which is to excite a laudable ambition among the teachers, by the promise of reward to the most faithful. If this be done, instead of the office of common school teacher being a mere refuge for idlers and loafers, as it is now the case in many instances, this office will be filled with the virtuous and talented of the country.

The pecuniary inability and embarrassment above alluded to, as a cause of the defective administration of the common school law, it is feared, is beyond the power of legislation to remove. Some suggest however, that the legislature should levy a tax for the support of common schools, and in support of this doctrine refer to the New England and other States, to prove the beneficial influence, which a tax has had, in improving the character of common schools. Those who take this view forget, that the inhabitants of the old States have been accumulating wealth, for the last fifty or hundred years; whereas, a majority of the inhabitants of this State are poor, and have just settled, as it were in a new country, where they have a forest to clear from the very soil, out of which they must make their bread! Others again suggest, that a law should be passed, withholding from those districts their dividends of the school money, which would not raise an equal sum by taxation. Whilst the wealthy districts of the State might be benefitted by this law, its operation on the poor districts would deprive them of their pittance of the public money, on account of their inability to raise a similar amount by taxation. Such a law would not only be unwise, but it would be extremely uncharitable and oppressive. Those who entertain any idea of the passage of such a law, would do well to measure the length of the delinquent list of land, which is annually returned for non-payment of taxes. A law taxing the people for the support of common schools would not at this time, meet their approbation; and if there were no other reason, this would make it unwise to enact it. The people, through the agents of their own choice administer the laws of this country. And therefore, those laws to which they are opposed, are always inefficiently administered, or soon repealed by their authority. The cause of education, and the improvement of common schools in this State, must depend more upon moral influence, than upon legislative enactments. The mind must be more deeply impressed with the importance of the subject. Parents must be convinced that the happiness of their offspring, and the well being of society depend upon their moral and intellectual culture. It may appear strange to many, why some parents show so little anxiety on the subject of educating their children. It is by no means owing to a want of affection. It is because their minds are diverted from this subject, by their constant struggles and toil to provide for them the necessary food and clothing.

However poor the parent, that parent's own child is nearer the heart than all other objects. Parental affection is not the product of wealth. It grows with as much luxuriance in the humble cot, as it does in the marble palace. How often have we witnessed the most undying attachment for children, where not a solitary comfort of life smiled upon the wretched domicil. Whatever the circumstances, parental love is the strongest cord that binds the human heart. Let us then enlist this affection of parents for offspring in the cause of education; and all that we shall then want, is time, with its productive powers to augment our wealth and resources to elevate the standard of education, and the tone and character of our common schools.

W. R. NOFSINGER.

On motion by Mr. Thompson,

Said report was laid on the table, and one thousand copies ordered to be printed.

The amendments of the bill No. 276, were concurred in by the House, when,

On motion by Mr. Secrest,

No. 252. An act to provide for a superintendent of common schools, was read a second time, and together with bill No. 276, were recommitted to the committee on education, with instructions to consolidate them.

Mr. Hicks made the following report:

MR. SPEAKER:

The committee on education to which was referred the communication of Samuel Miles, and sundry resolutions of the House on the subject of common schools, have had the same under consideration, and directed me to report the following bill, and recommend its passage. And the committee ask to be discharged from the further consideration thereof.

No. 313. A bill to provide for the improvement of common schools.

Was read a first time, and ordered to a second reading.

Mr. Hunt made the following report:

MR. SPEAKER:

The committee on education to whom was referred that part of the Governor's Message which relates to the revision of the school laws; also, a resolution of the House (No. 31,) relating to the same subject; also, a resolution of the House, instructing said committee to "inquire into the expediency of so amending the school law that it may be less complicated, and more easily understood," have had

that subject under consideration, and directed me to report that, in the opinion of said committee, an entire revision of the laws regulating common schools, is at this time inexpedient.

In expressing this opinion, the committee are aware that the expectations of the House, as well as of citizens of various parts of the State, may not be realized. They admit also, that many suggestions presented in resolutions of the House, bills, and petitions from many citizens of the State, might be granted without doing material injury to our common school system, and deserve, as they have received at our hands, a respectful consideration. But, upon an examination of the entire subject, the committee are unanimously of opinion, that the greatest defect of our present school law consists in the *number of its provisions*, and its apparent complications, arising from the nature of the subject itself. The various sources from which our school funds are derived, render indispensable the entire system of regulations, by which those funds are now loaned, and their proceeds distributed throughout the State. The committee, therefore, believe that an entire revision of the school system is not now expedient, and ask to be discharged from further consideration of the subject.

Which was concurred in.

Mr. Moore made the following report:

Mr. Speaker:

The committee on education, to whom was referred sundry petitions of German citizens of this State, on the subject of a distribution of the common school fund for the support of German schools, have had that subject under consideration, and a majority of the committee have directed me to report, that inasmuch as all teachers of common schools are now permitted to teach the German and other languages, and inasmuch as such division of the common school fund would create more complication in the common school laws, and inasmuch as our laws and public documents are usually printed in the English language, your committee are of opinion that it would be impolitic to foster any other national language than the English. Therefore, your committee are of opinion that legislation on this subject is inexpedient, and ask to be discharged from the further consideration of the same.

On the concurrence of which,

Messrs. Meredith and Watts demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Arnold, Brown, Carnahan, Clark, Decker, Dobson, Dole, Edwards, Gilleece, Griffis, Green, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Harvey, Hicks, Hill, Holland,

Hostetter, Huddleston, Huff, Huffstetter, Hull, Hunt, Jones of Greene, Lewis, Lutz, May, Miller, Monk, Moore, Neal, Nofsinger, Norton, Osborn, Parks, Porter, Powell, Scott, Secrest, Stewart of Fayette, Stewart of Laporte, Summers, Thomas, Wiley, Wilson, Wolfe, Woodruff, and Mr. Speaker—54.

Those who voted in the negative are,

Messrs. Addleman, Balding, Carr of Clark, Colms, Deam, Dowling, Fuller, Harlan, Hatfield, Hendricks, Holman, Jenison, Johnson, Kerr, Lemmonds, Logan, Mason, McCormack, Meredith, Noel, Parker, Smiley, Suit, Tait, Tebbs, Thompson, Walker, Watts, Wise, Yaryan, and Young—31.

So said report was concurred in.

Mr. Moore made the following report:

Mr. Speaker:

The committee on education, to whom was referred bill of the House No. 229, have had the same under consideration, and a majority of the committee have directed me to report, that inasmuch as that class of citizens desiring the passage of this act may, to a great extent, receive the benefits contemplated by this act, under the present laws, and inasmuch as your committee are of opinion that it is impolitic to foster more than *one* national language. Therefore, it is inexpedient to pass this bill, and ask that it be laid on the table.

On the concurrence of which,

Messrs. Meredith and Addleman demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Brown, Carnahan, Clark, Cravens, Crookshank, Deam, Decker, Dobson, Dole, Fuller, Gilleece, Griffis, Green, Hall of Posey, Hall of Warren, Hamilton, Harding, Harvey, Hendricks, Hicks, Hill, Holland, Huddleston, Hull, Hunt, Jones of Green, Lewis, Miller, Monk, Moore, Neal, Nofsinger, Norton, Osborn, Parks, Scott, Secrest, Stewart of Fayette, Stewart of Laporte, Tackett, Thomas, Wiley, Wilson, Wise, Wolfe, Woodruff, and Mr. Speaker—48.

Those who voted in the negative are,

Messrs. Addleman, Balding, Carr of Clark, Colms, Dowling, Edwards, Gordon, Hanna, Harlan, Hatfield, Holman, Huff, Huffstetter, Jenison, Johnson, Jones of Blackford, Kerr, Lemmonds, Logan, Lutz, Mason, May, McCormack, Meredith, Noel, Parker, Porter, Powell, Shields, Suit, Summers, Tait, Tebbs, Thompson, Watts, Yaryan, and Young—37.

So said report was concurred in, and said bill was laid on the table.

Mr. Porter made the following report:

MR. SPEAKER:

The committee on corporations, to which was referred bill of the House No. 242, entitled "An act to incorporate the Jackson Lodge of the ancient order of Eclampses Vitus, of Centreville, Indiana," have had the same under consideration, and are not able to ascertain from the bill itself what objects are to be attained by the proposed corporation; but if they are correctly informed from other sources, the bill is for the benefit of a species of animals with which the country is now abundantly supplied, and of which it is not desirable either to increase the number or improve the breed. They therefore recommend that it be indefinitely postponed;

Which was concurred in.
Said bill was laid on the table.
Mr. Porter made the following report:

MR. SPEAKER:

The committee on corporations, to which was referred Senate bill No. 101, entitled "An act to amend an act to incorporate the Lafayette Bridge Company," have had the same under consideration, and have directed me to report the same back to the House, and recommend its passage.

Said bill was read a second time and ordered to a third reading.
Mr. Wilson made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred Senate bill No. 93, to incorporate the Lafayette Hydraulic Company, have had that subject under consideration, and directed me to report the same back to the House without amendment, and recommend its passage, and ask to be discharged from the further consideration of the same.

Said bill was read a second time, and
On motion,
Was laid on the table.
Mr. Wilson, a member of the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to which was referred Senate bill No. 72, entitled "An act incorporating the upper Wabash Company,"

have had the same under consideration, and directed me to report the same back to the House without amendment, and recommend its passage, and the committee ask to be discharged from the further consideration of the subject.

Said bill was read a second time and ordered to a third reading.

Mr. Cassatt made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred Senate bill No. 65, incorporating the Grand and Subordinate Divisions of the Sons of Temperance of the State of Indiana," have had the same under consideration, and directed me to report the same back without amendment, and recommend its passage.

Said bill was read a second time and ordered to a third reading.

Mr. Cassatt made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred bill of the Senate, No. 116, incorporating the trustees of the Fort Wayne Female College, have duly considered the same, and directed me to report it back without amendment, and recommend its passage.

Said bill was read a second time, and ordered to a third reading.

Mr. Harlan, a member of the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations to which was referred bill of the House, No. 241, entitled, "an act to amend an act to incorporate the town of Columbus, Bartholomew county," approved February 6th, 1839, have had the same under consideration, and directed me to report the same back to the House without amendment, and recommend its passage.

Said bill was read a second time, and ordered to a third reading.

Mr. Dole, on leave given, made the following report:

MR. SPEAKER:

The committee on canals and internal improvements to whom was referred sundry "accounts relating to canal lands in the Vincennes land district," have had the same under consideration, and

have directed me to report the following bill, and recommend its passage.

No. 314. An act to provide for the payment of the expenses of completing the selecting, appraising, classifying, and mapping the lands granted by Congress for completing the Wabash and Erie Canal from Terre Haute to the Ohio river.

Was read a first time and ordered to a second reading.

Mr. Parker made the following report:

Mr. Speaker:

The select committee to whom was referred the petition of sundry citizens of Allen county, have had that subject under consideration, and instructed me to report the following bill and recommend its passage, and your committee would ask to be discharged, &c.

No. 315. A bill to authorize the surrender of canal lands in certain cases;

Was read a first time, and ordered to a second reading.

Mr. Anthony made the following report:

Mr. Speaker:

The select committee to which was referred Senate bill, No. 54, entitled, "a bill to correct a mistake in the enrolling and publishing an act to amend the several acts now in force relative to the New Albany and Vincennes road," approved January 19, 1846, have had the said bill under consideration, and have directed me to report the same back without amendment, and recommend its passage.

Said bill was read a second time, and ordered to a third reading.

Mr. Wolfe made the following report:

Mr. Speaker:

The select committee to whom was referred the petition of sundry citizens of Knox county, asking for the formation of a new county out of parts of the counties of Knox, Sullivan, and Greene, and also, a remonstrance of sundry citizens of the county of Sullivan against such formation, have had that subject under consideration, and have unanimously instructed me to report, that in their opinion, legislation thereon is inexpedient and unnecessary, and respectfully ask to be discharged from any further consideration of the subject.

Which was concurred in.

Mr. Cassat made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of Wabash county, praying for authority to build a bridge on Wabash dam No. 2, in said county, have had the same under consideration, and directed me to report the following bill, and recommend its passage.

No. 316. A bill to authorize the citizens of Wabash county to build a bridge across the Wabash river on dam No. 2, in said county.

Said bill was read a first time, and ordered to a second reading.

Mr. Jones of Blackford made the following report:

MR. SPEAKER:

The select committee to whom was recommitted the petitions and remonstrances of sundry citizens of Grant and Blackford counties, with instructions to report a bill to attach one and a half miles of the county of Grant to the county of Blackford, have had the same under consideration, and instructed me to report the following bill, and recommend its passage.

No. 317. An act to attach additional territory to the county of Blackford, and for other purposes;

Was read a first time, and ordered to a second reading.

Mr. Dowling made the following report:

MR. SPEAKER:

The select committee to which was referred Senate bill, No. 39, to authorize the letting of the public printing to the lowest bidder, respectfully report:

That they have had the bill under consideration, and feel constrained to report against any change in the present law "to provide for the election of a public printer, and defining his duties," as inexpedient and impolitic. The public printing, when executed by "contract," never, so far as the committee can discover, effected so great a saving to the State as the law of 1841, which, with a few exceptions, is the same as that which may be found in the Revised Statutes of 1843. That law reduced the price paid for the public printing from 65 to 45 cents per "thousand ems," and per token of 250 "pulls" or sheets, (on *one* side.) This, in itself, was an immense saving; but the law further provides that the documents ordered *simultaneously* by both Houses, instead of being charged against the State *twice*, and (as was sometimes the case,) *three* times, for composition in "setting up," should be paid for only *once*. This feature of the law of 1841, providing for the election of a State Printer, and *uniting* the work of *both* Houses together in a single contract, was much more impor-

tant, in an economical point of view, than even the reduction in the price paid for composition and press work, great as that certainly was. Previous to the passage of that law, double and treble composition, (under the practice which had obtained from the organization of the State Government,) had been generally charged for hundreds of pages of the documentaay journal, and of other documents and reports ordered *simultaneously* by both branches of the Legislature.

That the price paid for the public printing of Indiana is not exorbitantly high, every practical printer well knows; and is clearly proved by the letter of Mr. J. P. CHAPMAN, State Printer, lately addressed to this House, in reply to a resolution of inquiry. A copy of this letter is annexed, (marked A.) and made part of this report. Mr. Chapman is not only a good printer, but has had great practical experience in the business, both in the East and the West. His very pointed and apposite remarks, being the results of long experience, should receive the serious attention of those members not acquainted with the practical details of the "art preservative of all arts."

Your committee, in order to ascertain the relative prices paid for public printing in this State, and the adjoining States of Illinois and Kentucky, consulted the laws of those States in the Library, and the following is the result of the comparison:

	Indiana.	*Illinois.*	*Kentucky.*
Composition, plain work, per 1000 ems,	45	56¼	60
Composition, figure work, "	65	84	90
Composition, rule and figure, "	80	1 12½	1 00
Press work, per token of 250 "pulls,"	45	56¼	75

This, at one glance, will show that our State printing is done on much better terms than in either of the States named. This is not all. Where a document is ordered *simultaneously* by both branches of the Legislatures of those States, double, and sometimes treble, composition is charged by their Public Printers, on the ground that it is an "accidental advantage" which properly enures to their benefit; but which valuable perquisite, under the judicious provisions of our State Printing law, is expressly denied to our contractor.

There is another consideration connected with this matter that should not be altogether overlooked in legislating with reference to it. We allude to the effect which past experience proves a ruinous competition among employers, under the "contract" system, would inevitably have, in *reducing the wages of journeymen*, already too low. During the period in which the printing was let out to the lowest bidder, (there being then few printing offices at the seat of government prepared to execute the work,) the proprietors, (finding it more "convenient" and "profitable,") generally had "an understanding;" and, putting in bids at fair living, if not high prices, divided the work among themselves. This they deemed better than to resort to a ruinous system of underbidding, productive of ruin

alike to the employer and the employed. On one occasion, however, in 1830 or '31, the proprietors of a newspaper printed at this place proposed to contract for executing the printing at twenty-five cents per "1000 ems" and "token!" These prices were nothing more than journeymen's wages. How, then, could the contractor expect to live up to them, without resorting to that system of "*stealing*" so felicitously hinted at in the annexed letter of the State Printer, or (what is equally bad,) without *cheating* his workmen, or screwing their wages down to the starving point?

As has been already shown, the prices paid for Legislative printing in this State, are very much lower than what is paid in Illinois and Kentucky, and are not higher than what are generally paid for ordinary printing. There are cogent and obvious reasons, however, why a more liberal price should be paid for Legislative than for private printing. In order to meet the just expectations of the Legislature, and to prevent the possibility of *delay* in executing printing ordered for its action, the contractor is obliged to make a very heavy outlay in the purchase of materials. As the printing has to be all executed within a limited period, it is plain, from the nature of things, that, in a small town like Indianapolis, where very little other printing is done, their materials must lie unproductive in the hands of the contractors during the largest portion of the year. There is another consideration which tends to increase the expense of State Printing in this place. Being a small town, the number of resident printers is seldom sufficient to meet the extra demand during the sessions of the General Assembly. In order, therefore, to present inducements to workmen to leave their distant homes and incur the expense of going to, and returning from, the seat of government, the State Printer must necessarily pay higher wages than is common in country offices. For it is one of the immutable laws governing wages, that *casual* jobs, of short and uncertain duration, should, and must be, paid for more liberally than those which afford steady employment the year round. From the very nature of Legislative printing, the contractor, (without the power of knowing whether the work to be ordered will be sufficient to justify it or not,) must constantly keep in his office a force sufficient to meet any emergency. If he employs that force by the job, he must pay them liberal wages; and if by the week, and the orders for printing are not sufficient to keep his hands employed, what is the consequence? He may, perhaps, have to pay weekly wages to hands who have not more than half enough of work to keep them employed! Every one at all conversant with the nature of congressional or legislative printing, knows that such short-comings are by no means uncommon. The Legislature, also, not unfrequently orders a document to be printed with great despatch and by a limited time: and, in that event, the contractor may find himself compelled to incur a most onerous expense, in the shape of extra pay for "night work," &c. It is vain to say it can be avoided. There are times when, unless it

is resorted to, the entire Legislature may be kept waiting the motions of the public printer, at an immense daily expense to the public treasury.

In executing ordinary printing, the employer runs no such risks, and labors under no such disadvantages, as those above enumerated. He works at his leisure; and, if wages are too high, and he thinks it his interest to do so, he can delay operations until he can find hands willing to toil at such wages as his avarice or necessities may dictate; or until he gets time to fill his office with half-taught apprentices, and what is technically denominated "rats." The public printer is compelled to act promptly: the nature of his work admits no delays for better bargains or more propitious times.

In conclusion, the committee cannot too strongly reprobate and condemn the miserable disposition prevalent among legislators to change laws, without reference to their merits, in order to subserve the real or imaginary interests of *party* minorities or majorities. It is a prolific source of mischief, and one of the greatest evils of our legislation. It is too often the case, that the very law which a majority are the foremost to uphold and advocate as long as they are a majority, and can profit by its provisions, suddenly become an abomination in their eyes the moment their relative position is reversed. It is this that has alternately produced the enactment, the alteration, the violation or the repeal, of almost every law on our statute books involving the least patronage. It is this, (to use the language of Washington,) that has made "the public administration the mirrors of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans, digested by common councils, and modified by mutual interests." If laws are to be repealed every time they enure to the advantage of a particular party, is it not natural that other parties, following the example, will attempt to do the same thing under similar circumstances? Consequently, on the long run, neither party gains by the practice. Those who lose patronage by the provisions of a law one year, may be gainers by them the next; and hence, in every point of view, stability in our laws is the highest interest of all. The existing law on the subject of the State Printing has been found to work well: at least, no just complaints have been made against it. Is it not therefore impolitic to change it for a new "experiment," under the ostensible but delusive plea of increased "economy" in the public expenditure? All experience proves that true economy is best consulted by adopting the happy medium of paying the servants of the State a fair and just remuneration for their services, avoiding the extremes of parsimony on the one hand, and of extravagance on the other.

Although two of the committee are practical printers, and might be supposed to be well acquainted with the bearings and consequences of the proposition, they cannot, in any view of the case, recommend the proposed change in the manner of disposing of the

public printing; and the committee therefore recommend that the bill be indefinitely postponed.

JOHN DOWLING,
WM. STEWART,
CHAS. I. BATTELL.

Hon. R. N. CARNAN,

Speaker of the House of Representatives:

In reply to a resolution of the House, "That the Public Printer be, and he is hereby requested to report to this House, at the earliest period, whether or not in his opinion the amount allowed now by law for the public printing, is or is not more than a reasonable and just compensation for said services, and if so, what particular reduction may be made;" the undersigned would respectfully refer to his reply to a similar resolution of the Senate, that in his opinion the prices for the public printing as now fixed by law, are not higher than they ought to be, to justify any competent person to undertake the work.

Among the reasons for this conclusion, he would respectfully suggest the following:

First, That the prices are a fraction less than those generally charged by the Printing Houses in the Eastern cities for ordinary Book Printing.

Second, That in proportion to the amount of work done, the State Printer, owing to the peculiarity of the work, is compelled to invest a much larger sum in *material* than would otherwise be necessary.

Third. The conditions and requirements of the contract. Ten thousand dollars bonds are given by the present printer for the faithful execution of his work. He is bound by law to complete the printing of each session within sixty days from the time of its adjournment. When this condition was imposed, it was fixed in contemplation of the fact, that the session had usually lasted three months or thereabouts. Since that time, and during the whole term of the present printer, the sessions have been curtailed to a period of about seven weeks. His "days of grace" consequently have been cut short nearly six weeks, though the amount of printing has been but little if any diminished. It must be apparent to all gentlemen of reflection, and to practical printers especially, that the only alternative for the public printer was to make a greater outlay for *material*, in order to the employment of a greater number of workmen, than would have been required under longer sessions; and to keep workmen employed during the night as well as day time, at an extra expense.

The undersigned does not think it likely, that the State Printer will very soon be relieved of the burthens thus imposed, by the recurrence of long sessions instead of short ones.

Fourth, So far as the undersigned has been able to learn, the prices allowed for public printing in Indiana, are as low, and in most cases lower, than those paid by any other State; and not much more than *one third* the price paid for Congress printing under the act of 1819. But little of our printing, comes under the category of what is technically denominated "*fat*." But few bills are printed, which is one of the most profitable kinds.

It will be conceded that the "laborer is worthy of his hire." And the undersigned most respectfully suggests, that the true mode of making laborers faithful and honest, is to provide for them a fair remuneration. To borrow the idea of a late distinguished member of the Senatorial body, "if public officers are not paid a fair and reasonable salary, *they will steal it*." Whether this be entirely true or not, it would seem to be the part of wisdom, not to "lead men into such temptation."

The prices now allowed for the public printing in this State, are much less than those allowed at former periods. The difference is as 65 to 45 cents for the same work. Yet, it is a fact, which tells very strongly of the risks of the business, or the improvidence of those who performed the work, that even under the highest prices and most favorable conditions, every man, with perhaps a single exception, who has done the public printing of the State of Indiana, since its existence, *was poorer when he ended than when he began the work;* and one of them, at least, only obtained relief from the liabilities which he incurred while he was the State Printer, by the sponging process of the bankrupt act of 1840.

The undersigned regrets that he is compelled in duty to your honorable body, thus to speak of a subject in which it may be supposed his opinion will be liable to be influenced by self interest. He has endeavored to divest himself of any such bias; and has written this reply in full view of the great probability that his present contract with the State for the execution of the printing, is not likely to be immediately renewed.

Respectfully submitted,

J. P. CHAPMAN.

Mr. Meredith moved a call of the House,

Which was seconded,

And Messrs. Trimble and Fry were excused attendance, on the account of sickness; and

On motion by Mr. Miller,

The further call was suspended.

Mr. Holman moved to lay the bill on the table.

On this motion,

Messrs. Secrest and Holman demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Arnold, Balding, Battell, Carnahan, Decker, Dobson, Fuller, Gilleece, Hall of Posey, Holman, Jones of Greene, Lewis, May, Nofsinger, Osborn, Palmer, Secrest, Tebbs, Thomas, Wiley, and Woodruff—21.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Brown, Carr of Clark, Carr of Lawrence, Cassatt, Clark, Colms, Cravens, Crookshank, Deam, Dole, Dowling, Dunham, Edwards, Ferguson, Gordon, Griffis, Green, Hall of Warren, Hamilton, Hanna, Harding, Harlan, Harvey, Hatfield, Hendricks, Hicks, Hill, Holland, Hostetter, Huddleson, Huff, Huffstetter, Hull, Hunt, Jenison, Johnson, Jones of Blackford, Julian, Kerr, Lemmonds, Logan, Lutz, Mason, McCormack, Meredith, Miller, Monk, Moore, Neal, Noel, Norton, Parker, Parks, Porter, Powell, Scott, Shields, Sleeth, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tackett, Tait, Thompson, Walker, Watts, Wilson, Wise, Wolfe, Yaryan, Young, and Mr. Speaker —76.

So said motion did not prevail.

Mr. Meredith moved to indefinitely postpone the bill.

On this motion,

Messrs. Meredith and Hendricks demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Brown, Battell, Cassatt, Clark, Colms, Cravens, Decker, Dole, Dowling, Edwards, Ferguson, Gordon, Griffis, Green, Hall of Warren, Hamilton, Harding, Harlan, Hendricks, Hill, Holland, Hostetter, Huddleson, Huff, Hull, Hunt, Julian, Kerr, Lutz, McCormack, Meredith, Moore, Noel, Parker, Porter, Powell, Scott, Secrest, Stanfield, Stewart of Fayette, Stewart of Laporte, Summers, Tait, Thomas, Thompson, Walker, Watts, Wise, Yaryan, and Mr. Speaker—52.

Those who voted in the negative are,

Messrs. Arnold, Balding, Carr of Clark, Carr of Lawrence, Carnanan, Crookshank, Deam, Dobson, Dunham, Fuller, Gilleece, Hall of Posey, Hanna, Hatfield, Hicks, Holman, Huffstetter, Jenison, Johnson, Jones of Blackford, Jones of Greene, Lemmonds, Lewis, Logan, Mason, May, Miller, Monk, Neal, Nofsinger, Norton, Osborn, Palmer, Parks, Shields, Sleeth, Smiley, Suit, Tackett, Tebbs, Wiley, Wilson, Wolfe, Woodruff, and Young—45.

So said bill was indefinitely postponed.

Mr. Noel moved to reconsider the vote just taken on the indefinite postponement of said bill.

On this motion,

Messrs. Carr of Lawrence and Logan demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Balding, Carr of Clark, Carr of Lawrence, Crookshank, Dobson, Dunham, Fuller, Gilleece, Hatfield, Hicks, Holman, Huffstetter, Jenison, Johnson, Jones of Blackford, Jones of Greene, Julian, Lemmonds, Lewis, Logan, Mason, May, Miller, Monk, Neal, Nofsinger, Osborn, Palmer, Parks, Shields, Sleeth, Smiley, Tebbs, Wilson, Woodruff, and Young—36.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Arnold, Brown, Carnahan, Cassatt, Clark, Colms, Cravens, Deam, Decker, Dole, Dowling, Edwards, Ferguson, Gordon, Griffis, Green, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Harvey, Hendricks, Hill, Holman, Hostetter, Huddleson, Huff, Hull, Hunt, Kerr, Lutz, McCormack, Meredith, Moore, Noel, Norton, Parker, Porter, Powell, Scott, Secrest, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tackett, Tait, Thomas, Thompson, Walker, Watts, Wiley, Wise, Wolfe, Yaryan, and Mr. Speaker—65.

So said vote was not reconsidered.

Mr. Dunham, on leave being granted, introduced bill

No. 318. A bill to amend an act, entitled "An act to provide for the appointment of township assessors in certain counties therein named, and defining their duties," approved January 15, 1844, so far as the same relates to Washington county.

Also, No. 319. A bill relative to grand juries in the county of Washington.

By Mr. Battell:

No. 320. An act to regulate and change the time of holding courts in the fourth judicial circuit, and to authorize special chancery courts to be held therein.

By Mr. Cassatt:

No. 321. An act authorizing the commissoner of the Wabash and Erie Canal to credit and receipt for moneys heretofore paid by purchasers of Wabash and Erie Canal lands.

Which were each severally read a first time and ordered to a second reading.

On motion by Mr. Noel,

Resolved, That the superintendent of the Central Canal be authorized forthwith to employ Stearns Fisher to make an estimate of the probable damage done to said canal by the late freshet, and report the same to this House at as early a moment as practicable.

On motion by Mr. Stewart of Laporte,

Resolved, That the committee on agriculture be instructed to inquire into the expediency of passing a law to impose a fine on any owner or occupant of land who shall suffer Canada thistles to mature or produce seed on said land.

On motion by Mr. Noel,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of making an appropriation of a reasonable sum to pay, in part, the counsel employed by the Governor, on behalf of the State, to defend the suit brought by the Vincennes University against the State of Indiana.

On motion by Mr. Wolfe,

Resolved, That the use of the Hall of the House of Representatives be tendered to the citizens of Indianapolis for the purpose of holding a meeting, on Friday evening, the 8th inst., to take into consideration such measures, and adopt such plans, as in their opinion will be best calculated to repair roads, bridges, &c., recently destroyed or injured in this vicinity by the late freshet.

On motion by Mr. Fuller,

Resolved, That the committee on military affairs be requested to inquire whether or not some allowance should be made to the Secretary of State for the extra services rendered by him in relation to military affairs during the past year.

Mr. Secrest offered the following:

Resolved, That hereafter, during the present session, this House will take up the orders of the day, every day, at 2 o'clock, P. M., and continue therein until the same be disposed of.

Which was laid upon the table.

On motion by Mr. Huff,

Resolved, That the judiciary committee be instructed to inquire if the law does not need some amendments so as to more fully define the duties of county treasurers before they shall return any one as delinquent for the non-payment of taxes; and also whether the present law may not operate unequally and unjustly where property is not assessed to the proper owners, or from neglect of duty of the treasurer; and whether in such case the cost and damage ought to come off of the tax-payer, as it does under the present law?

And also to inquire into the expediency of passing a law making it the duty of county treasurers to first try to make any delinquent tax, due from residents, out of the personal property of such residents, before exposing to sale their real estate, and that they report by bill or otherwise.

Mr. Tait made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared the following enrolled with the engrossed bills, and find them truly enrolled:

No 92. An act to amend the first section of an act, entitled "An act prescribing the mode of selecting pettit jurors in Sullivan county," approved January 6, 1846.

No. 65. An act to amend article one, of chapter forty-two of the Revised Statutes, on the subject of the liens of mechanics and others on buildings.

No. 98. An act making an appropriation to pay J. R. Moreledge, a contractor on the Madison and Indianapolis Railroad.

No. 68. An act to authorize the board doing county business in the county of Orange, to appoint an appraiser of real estate, subject to taxation at their March term in 1847.

No. 101. An act to secure to Ohio county a share of the common school and surplus revenue funds, and for other purposes.

No. 107. An act to change the names of Francis Anthony Fisher and Minerva Ridge, to the names of Francis Anthony Greenwood and Minerva Greenwood.

No. 77. An act to change the name of James Morris Smith to that of James Morris Vestal.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President, and

On motion by Mr. Hall of Warren,

The House adjourned until 2 o'clock, P. M.

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2 *o'clock, P. M.*

The House met.

ORDERS OF THE DAY.

House bill, No. 5. An act providing for holding a convention to revise and amend the constitution of the State of Indiana.

Was read a second time, when

Mr. Yaryan moved that the bill be indefinitely postponed.

On this motion,

Messrs. Secrest and Dunham demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Brown, Battell, Cassatt, Clark, Colms, Cravens, Deam, Decker, Dole, Dowling, Edwards, Fuller, Gordon, Griffis, Green, Hall of Warren, Hamilton, Harding, Harvey, Hendricks, Hicks, Hill, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Jenison, Jones of Blackford, Jones of Greene, Julian, Kerr, Lewis, Logan, Lutz, McCormack, Meredith, Monk, Moore, Neal,

Parker, Porter, Powell, Secrest, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tait, Thomas, Thompson, Walker, Watts, Wise, Yaryan, and Mr. Speaker—61.

Those who voted in the negative are,

Messrs. Arnold, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Crookshank, Dobson, Dunham, Ferguson, Gilleece, Hall of Posey, Hanna, Harlan, Hatfield, Holman, Huffstetter, Johnson, Lemmonds, Mason, May, Miller, Nofsinger, Norton, Osborn, Parks, Scott, Shields, Sleeth, Tackett, Tebbs, Wiley, Wilson, Wolfe, Woodruff, and Young—35.

So the bill was indefinitely postponed.

HOUSE BILLS ON THIRD READING.

No. 152. An act to amend the 48th chapter, article 5th of the Revised Statutes of 1843, in regard to writs of *ad quad damnum*;

No. 194. An act to amend the 5th section of chapter 12 of the Revised Statutes of 1843;

No. 199. An act for the relief of Dempsey Linton, of Randolph county;

No. 202. An act to amend chapter 1st of the Revised Statutes of 1843;

No. 206. An act in relation to road districts in the county of Huntington;

No. 207. An act to create a State road in the counties of Wells, Blackford and Jay, in the State of Indiana;

No. 209. An act to more particularly define the boundary line between the counties of Gibson and Warrick;

No. 210. An act to legalize the election of trustees of the town of Vernon, Jennings county;

No. 211. An act entitled an act to repeal an act regulating road tax in the county of Jasper;

No. 213. An act to establish a certain State road therein named;

No. 214. An act to amend section 128, chapter 16 of the Revised Statutes of 1843;

No. 215. An act to amend an act entitled "An act granting to the citizens of Madison and the town of Lawrenceburgh a city charter," and also acts amendatory thereto;

No. 217. An act fixing the time of holding the terms of the probate court in the county of Marion;

No. 218. An act to amend an act to extend the provisions to Madison county;

No. 219. An act to appropriate necessary means for the execution of the laws in arresting or recapturing fugitives from justice;

No. 220. A joint resolution of the General Assembly of the State of Indiana;

No. 222. An act to amend section 414, of chapter 40 of the Revised Statutes of 1843, relative to the advertising of real estate at sheriff's sale;

No. 224. An act relative to granting letters of guardianship;

No. 225. An act to compel non-residents to pay a road tax equal to that of residents;

No. 226. An act to vacate certain streets and alleys in Cambridge City;

No. 227. An act for the relief of William Taggart and his securities;

No. 228. An act to legalize the proceedings of the board of commissioners of Adams county, and for other purposes;

No. 230. An act for the relief of the purchasers of Saline lands in Orange county;

No. 235. An act to legalize the acts of the board of county commissioners of Sullivan county, and the auditor thereof, and for other purposes;

No. 238. An act to amend the turnpike road charter from Cambridge City to Muncietown, approved January 11, 1846;

No. 239. An act to provide for electing supervisors by districts in the counties of Wabash and Boone;

No. 240. An act to incorporate the Christian Church on White river, in Stony Creek township, Randolph county, Indiana;

No. 243. An act to authorize the receiving of road tax separate from other tax or taxes;

No. 244. An act to amend the charter of Cambridge City, Wayne county, Indiana;

No. 271. An act to amend the 8th section of an act regulating the fees and salaries of the several officers and persons therein named, approved February 7, 1831;

No. 275. An act to incorporate the Greenfield and Shelbyville Railroad Company;

No. 279. An act to extend the jurisdiction of justices of the peace in Lagrange county;

No. 284. An act to provide for the further erection of the hospital for the insane, and for other purposes connected therewith;

Which were each severally read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 204. An act the better to preserve the health of the inhabitants residing along the line of the White Water canal;

Was read a third time, aad

On motion by Mr. Stewart of Fayette,

Indefinitely postponed.

No. 181. An act for the protection of the property of married women;

Was read a third time, and

On the question of its passage,

Messrs. Balding and Meredith demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Arnold, Brown, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Colms, Cravens, Crookshank, Decker, Dole, Dowling, Dunham, Edwards, Ferguson, Gilleece, Gordon, Griffis, Green, Hall of Warren, Hall of Posey, Hanna, Harding, Harvey, Harlan, Hatfield, Hendricks, Hicks, Hill, Holland, Holman, Hostetter, Huffstetter, Hull, Hunt, Jenison, Johnson, Jones of Blackford, Jones of Green, Julian, Kerr, Lewis, Logan, Mason, May, McCormack, Meredith, Miller, Monk, Moore, Norton, Parker, Scott, Secrest, Shields, Smiley, Stewart of Fayette, Summers, Tackett, Tait, Tebbs, Thompson, Walker, Watts, Wiley, Wise, Woodruff, Young, and Mr. Speaker—72.

Those who voted in the negative are,

Messrs. Balding, Cassatt, Deam, Fuller, Hamilton, Huddleston, Huff, Lemmonds, Neal, Nofsinger, Osborn, Powell, Stewart of Laporte, Thomas, Wilson, Wolfe, and Yaryan—17.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

No. 237. An act to provide for the election of prosecuting attorneys by the people in the several counties;

Was read a third time and recommitted to a select committee with instructions to amend the bill so as to provide against its interfering with the officers at present in office.

SENATE BILLS ON THIRD READING.

No. 4. A bill authorizing the township of Lawrenceburgh, in Dearborn county, to construct turnpike roads in said township;

No. 5. A bill in relation to county roads in the counties of Putnam and Jefferson;

No. 8. A bill to amend an act entitled an act to incorporate the city of Richmond, Wayne county, Indiana, approved February 20, 1840;

No. 12. A bill relative to the execution of decrees in chancery;

No. 20. An act in relation to supervisors in the county of Daviess;

No. 25. An act to change the name of Frances Ann Fisher to Frances Ann Smith;

No. 29. A bill for the benefit of the volunteers for the Mexican war, and for the relief of county treasurers;

No. 33. A bill to authorize the Governor of this State to order special elections for Representatives in Congress in certain cases;

No. 34. A bill to extend the time of working out the road tax in the several counties therein named;

No. 45. A bill to authorize clerks of the circuit courts to issue writs to other counties in certain cases;

No. 49. A bill relative to allowances to guardians:

No. 50. A joint resolution in relation to furnishing a copy of the lands selected by the State for the completion of the Wabash and Erie Canal;

No. 51. A bill for the relief of purchasers of seminary lands in Gibson and Monroe counties;

No. 53. An act to authorize Nelson Conner of the county of Grant, and State of Indiana, to maintain and keep up a mill dam across the Mississinnawa river;

No. 58. A bill repealing an act entitled, "an act providing for removing obstructions in Buck Creek, Henry county;

No. 59. A bill to vacate a part of a certain State road in the county of Ripley;

No. 64. A bill for the relief of David Burr;

No. 66. An act to facilitate the building of school houses in the county of Dearborn;

No. 69. A bill changing the time of holding courts in the eleventh judicial circuit;

No. 76. A bill to change the mode of doing county business in Decatur county;

No. 82. An act to prevent county treasurers and other officers from purchasing certain real estate;

No. 85. A bill to amend an act entitled, an act to incorporate the town of Jeffersonville, approved January 28, 1839, and the amendments thereto;

No. 88. An act to repeal a certain act therein named;

No. 95. An act to legalize the election of trustees for the corporation of the town of Greensborough, Henry county;

No. 98. An act to authorize Malen Waldren and Caleb Boots to maintain and keep up a mill dam in Grant county;

No. 99. An act in relation to retailing intoxicating liquors in Wayne county;

No. 103. A bill to give additional time to the probate court in Monroe county;

No. 104. A bill to vacate a certain alley in the town of Putnamville;

No. 111. A bill extending the time for holding the several terms of the probate courts of Vanderburgh county;

No. 121. An act amendatory of an act in relation to the auditor of Warrick county;

Were each severally read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 35. A bill to provide for the election of township assessors in certain counties therein named, and defining their duties;

Was lost on the question of its passage.

No. 46. A bill to increase the number of pilots at the falls of the Ohio river;

Was read a third time; when

Mr. Ferguson moved to recommit the bill to a select committee with instructions to amend as follows:

1st. Strike out two, and insert one, in the first section.

2d. To vest the power of appointing pilots hereafter, in case of vacancy by death or otherwise, in the common council of the city of Jeffersonville.

3d. To give to the pilots the power of appointing assistant pilots in case of necessity, with the consent of the common council, the regular pilots to be responsible for their acts.

4th. To give said common council the power of taxing said pilots, any sum not exceeding twenty dollars per annum each, to be expended in making fixtures and fastenings and other improvements, useful to boatmen, along the shore.

Which amendments were laid on the table.

Mr. Ferguson then moved to recommit the bill to a select committee with instructions to amend by adding to the 1st section, the following:

"If he shall think the same necessary."

Mr. Tait moved to lay the instructions on the table.

On this motion,

Messrs. Ferguson and Noel demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Arnold, Brown, Balding, Battell, Carr of Lawrence, Carnahan, Clark, Cravens, Crookshank, Deam, Decker, Dobson, Gilleece, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Harlan, Hatfield, Hicks, Holland, Holman, Huffstetter, Hull, Johnson, Jones of Greene, Lemmonds, Lewis, Logan, Lutz, Mason, May, Miller, Monk, Neal, Nofsinger, Norton, Osborn, Parks, Secrest, Shields, Sleeth, Smiley, Tait, Tebbs, Thomas, Wiley, Wilson, Wolfe, Woodruff, and Young—51.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Carr of Clark, Cassatt, Colms, Dole, Dowling, Edwards, Ferguson, Fuller, Gordon, Griffis, Hamilton, Harvey, Hendricks, Hill, Hostetter, Huddleston, Huff, Hunt, Jenison, Julian, Kerr, Meredith, Moore, Noel, Parker, Powell, Scott, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tackett, Thompson, Walker, Watts, Yaryan, and Mr. Speaker—39.

So said amendment was laid on the table, and said bill passed.

Ordered, That the clerk inform the Senate thereof.

No. 56, A bill declaring the meaning of section 143 and 145, of chapter 40, of the Revised Statutes of 1843;

Was read a third time, and recommitted to a select committee of Messrs. Crookshank, Griffis, and Thompson, to amend the bill with the following instructions:

"That this explanation shall not be retrospective in cases that have already been commenced or tried."

No. 81. An act repealing section 9, of chapter 9, of article 1st, of the Revised Code of 1843, in relation to notaries public;

Was read a third time and indefinitely postponed.

No. 127. A bill for the purpose of settling the debt of the Wabash Manual Labor College and Teachers' Seminary, in the sinking fund of the State, and for other purposes;

Was read a third time; when,

On motion by Mr. Thompson,

The House adjourned until to-morrow morning, 9 o'clock.

THURSDAY MORNING, January 7, 1847.

The House met pursuant to adjournment.

On motion by Mr. Secrest,

The rules were suspended, and the vote taken on the passage of the bill of the Senate,

No. 5. A bill in relation to county roads in the counties of Putnam and Jefferson;

Was reconsidered, and said bill was laid on the table.

Mr. Lutz presented the petition of sundry citizens of the counties of Hamilton and Madison, relative to the establishing of a certain State road therein mentioned;

Which was referred to the committee on roads.

On motion by Mr. Powell,

Bill of the Senate,

No. 62, was taken from the table and placed on the files.

On motion by Mr. Hanna,

The report from the committee on canals and internal improvements, heretofore reported and laid upon the table, in reference to the petition of the Delphi Storage and Forwarding Company,

Was taken up, and referred to a select committee of Messrs. Hanna, and others.

Mr. Carr of Lawrence, on leave given, made the following report:

Mr. Speaker:

The select committee to which was referred bill of the House No.

60, entitled, "an act to fix the time of holding courts in the tenth judicial circuit," have had the same under consideration, and have directed me to report said bill back to the House without amendment, and recommend its passage.

Said bill was read a second and third times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Hunt made the following report:

MR. SPEAKER:

The committee on education to whom was referred a resolution of the House instructing said committee to "inquire into the expediency of providing by law for assessing and collecting a sum not to exceed ten cents on the hundred dollars valuation, to go to the support of common schools," have considered the subject, and directed me to report that the bill already reported by said committee to the House entitled, "a bill for the improvement of common schools," contains the only recommendation on the subject which the committee are prepared to make, and ask to be discharged from its further consideration.

Which was concurred in.

Mr. Hamilton made the following report:

MR. SPEAKER:

The committee on education who were instructed by a resolution of the House "to inquire into the expediency of having a portion of the copies of the school laws printed in the German language," have had that subject under consideration, and a majority of said committee have instructed me to make the following report:

Under any circumstances it is a doubtful question whether the extra expense attendant upon the translation and publication of the school laws in said language, would not over-balance the benefits thereby accruing to that portion of the citizens of the State who can only read the German tongue. The fact that some citizens may not be able to read these laws, does not, to any extent, so far as the committee are informed, deprive them of the benefits of said laws, or subject such citizens to any penalties.

But leaving this question undecided, another consideration has actuated the committee. Public opinion appears to favor a thorough revision of the whole code of laws now in force relative to common schools; and although this committee have not deemed it proper to attempt that labor during the present session, yet it is highly probable that such revision will be made at the farthest in a very few years, and it would be inexpedient to incur the expense of printing,

in a foreign language, laws which may in a short time be revised and altered.

The committee ask to be discharged, &c.

Which was concurred in.

Mr. Meredith made the following report:

Mr. Speaker:

The committee on roads to whom was referred the petition of Strange S. Dunn and others of Dearborn county, asking the road law to be so amended that each tax payer shall have the privilege of paying his road tax in the district in which he lives, without reference to the location of the property, have had the same under consideration, and direct me to report that it is inexpedient to legislate on the subject, and the committee ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Meredith made the following report:

Mr. Speaker:

The committee on roads to whom was referred House bill No. 278, have had the same under consideration, and direct me to report the same back to the House and recommend its passage, and the committee ask to be discharged from the further consideration of the subject.

No. 278. An act in relation to roads and highways in Lagrange county.

Was read a second time and ordered to be engrossed for a third reading.

Mr. Hall of Posey made the following report:

Mr. Speaker:

The committee on roads to whom was referred the petition of C. M. Moore and others, praying the location of a State road in the counties of Posey and Vanderburgh, have had the same under consideration, and directed me to report the following bill, and recommend i's passage:

No. 322. A bill to locate a State road in the counties of Posey and Vanderburgh.

Was read a first time and ordered to a second reading.

Mr. Dole made the following report:

MR. SPEAKER:

The committee on canals and internal improvements to whom was referred the petition of Abram Hendricks & Son, have had the subject under consideration, and have directed me to report the following bill, and recommend its passage:

No. 323. A bill forthe relief of Abram Hendricks & Son.

Was read a first time and ordered to a second reading.

Mr. Powell made the following report:

MR. SPEAKER:

The committee on agriculture to whom was referred a resolution of the House on the subject of sheep-killing dogs, have had the same under consideration, and a majority of said committee have directed me to report, that the subject matter of said resolution is provided for in chapter 65, page 1037, Revised Statutes of 1843, and that further legislation is unnecessary.

Which was concurred in.

Mr. Tebbs made the following report:

MR. SPEAKER:

The select committee to whom was referred a resolution of the House, have had that subject under consideration, and directed me to report it back to the House, with the accompanying joint resolution, and recommend its passage.

No. 324. A joint resolution relative to the removal of the remains of the late Hon. Tilghman A. Howard.

Was read a first time and ordered to a second reading.

Mr. Harvey offered the following resolution:

Resolved, That this House will, the Senate concurring therein, proceed to the election of State Printer, on Tuesday the 12th inst., at half past two o'clock, P. M.

Mr. Miller moved a call of the House.

Which was seconded.

The absentees were sent for, and a further call was suspended, when

Mr. Miller moved to lay said resolution on the table.

On which motion,

Messrs. Harvey and Miller demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Arnold, Balding, Carr of Clark, Carr of Lawrence, Car-

nahan, Crookshank, Deam, Decker, Dobson, Dunham, Fuller, Gilleece, Hall of Posey, Hanna, Hatfield, Holman, Huffstetter, Johnson, Jones of Greene, Lewis, Logan, Mason, May, Miller, Monk, Neal, Nofsinger, Norton, Osborn, Palmer, Parks, Shields, Sleeth, Smiley, Tebbs, Wiley, Wilson, Wolfe, Woodruff, and Young—40.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Brown, Battell, Cassatt, Clark, Colms, Cravens, Dole, Dowling, Edwards, Ferguson, Gordon, Griffis, Green, Hall of Warren, Hamilton, Harding, Harlan, Harvey, Hendricks, Hicks, Hill, Holland, Hostetter, Huddleston, Huff, Hull, Jenison, Jones of Blackford, Julian, Kerr, Lemmonds, Lutz, McCormack, Meredith, Moore, Noel, Parker, Porter, Powell, Scott, Secrest, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tackett, Tait, Thomas, Thompson, Walker, Watts, Wise, Yaryan, and Mr. Speaker—58.

So said resolution was not laid on the table.

The question then being on the adoption of said resolution,

It was decided in the affirmative.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Holman,

Resolved, That the agent of the State be requested to furnish to this House, at his earliest convenience, a statement of the several sums of money, with the date of payment, which have been paid to A. Hendricks and A. Hendricks & Son, for and on account of their contract on the Madison Railroad.

On motion by Mr. Secrest,

The following resolution was taken up and adopted:

Resolved, That hereafter, during the present session, this House will take up the orders of the day every day at 2 o'clock, P. M., and continue therein, until the same shall have been disposed of.

Mr. Hanna offered the following:

Resolved, That this House will, the Senate concurring, adjourn, *sine die*, on the twenty-fifth of this inst.

Which was,

On motion by Mr. Miller,

Laid on the table.

On motion by Mr. Fuller,

Resolved, That the committee on benevolent institutions be instructed to inquire into the compensation allowed Mrs. Johnson for her services in the deaf and dumb asylum, and whether any, and if any thing, how much, in justice and right, should be allowed her, further than may have been allowed heretofore, in consideration of and as remuneration for, any damage sustained by reason of her removal from the place of matron of that institution, and that said committee, if necessary, report a bill for such further allowance.

Mr. Dunham moved to take from the table the resolution of the Senate on the subject of adjourning, *sine die.*

Which motion of Mr. Dunham was,

On motion by Mr. Miller,

Laid on the table.

JOINT RESOLUTIONS INTRODUCED.

By Mr. Moore:

No. 325. A joint resolution on the subject of education.

By Mr. Cassatt:

No. 326. A joint resolution in relation to pre-emptions in the great Miami Reserve.

By Mr. May:

No. 328. A joint resolution on the subject of the Wabash and Erie canal.

Which were each severally read a first time and ordered to a second reading.

By Mr. Parks:

No. 327. A joint resolution on the subject of prohibiting the acquiring of slave territory from the republic of Mexico;

Which was read a first time, when

Mr. Secrest moved that it be rejected by the House;

On which motion,

Messrs. Secrest and Powell demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Arnold, Carnahan, Deam, Dobson, Dole, Dowling, Dunham, Edwards, Fuller, Griffis, Hall of Posey, Hall of Warren, Harding, Hatfield, Holman, Huff, Huffstetter, Jones of Greene, Lemmonds, Lewis, Logan, Mason, May, Miller, Monk, Nofsinger, Norton, Osborn, Palmer, Porter, Secrest, Shields, Sleeth, Smiley, Tackett, Tait, Tebbs, Wiley, Wilson, Wolfe, and Woodruff—42.

Those who voted in the negative are,

Messrs. Addleman, Brown, Balding, Battell, Cassatt, Clark, Colms, Cravens, Crookshank, Decker, Ferguson, Gilleece, Gordon, Green, Hamilton, Hanna, Harlan, Harvey, Hicks, Hill, Holland, Huddleston, Hull, Hunt, Jenison, Johnson, Jones of Blackford, Julian, Kerr, Lutz, McCormack, Meredith, Moore, Neal, Noel, Parker, Parks, Powell, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Scott, Thomas, Thompson, Walker, Watts, Wise, Yaryan, Young, and Mr. Speaker—52.

So said motion did not prevail, and said joint resolution was ordered to a second reading.

Mr. Cravens moved to take up from the table the resolutions laid

before the House on yesterday, from the State of New Hampshire, relative to slavery, the tariff, &c., with a view of their reference to the appropriate committees.

On this motion,

Messrs. Secrest and Cravens demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Brown, Balding, Battell, Cassatt, Clark, Colms, Cravens, Crookshank, Edwards, Griffis, Green, Hamilton, Hanna, Harding, Harlan, Harvey, Hendricks, Hicks, Hill, Holland, Huddleston, Hull, Hunt, Jenison, Julian, Kerr, Lutz, Mason, McCormack, Meredith, Monk, Moore, Noel, Norton, Parker, Porter, Powell, Scott, Sleeth, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tait, Thomas, Thompson, Watts, Wise, Yaryan, and Mr. Speaker—52.

Those who voted in the negative are,

Messrs. Anthony, Arnold, Carr of Clark, Carnahan, Deam, Decker, Dobson, Dole, Dowling, Dunham, Ferguson, Fuller, Gilleece, Hall of Posey, Hatfield, Holman, Hostetter, Huff, Huffstetter, Jones of Blackford, Jones of Greene, Lemmonds, Lewis, May, Miller, Neal, Nofsinger, Osborn, Palmer, Parks, Secrest, Shields, Smiley, Tackett, Tebbs, Walker, Wiley, Wilson, Wolfe, Woodruff, and Young—41.

So said resolutions were taken up.

Mr. Cravens moved to refer the resolutions relative to the extension of slavery, &c., to the select committee who have under consideration that part of the Governor's message relative to the Mexican war.

On this motion,

Messrs. Cravens and Julian demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Brown, Balding, Battell, Cassatt, Clark, Colms, Cravens, Crookshank, Dole, Edwards, Ferguson, Gordon, Griffis, Green, Hall of Warren, Hamilton, Harding, Harvey, Hendricks, Hicks, Hill, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Jones of Blackford, Julian, Kerr, Lutz, McCormack, Meredith, Moore, Noel, Parker, Porter, Powell, Scott, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tait, Thomas, Thompson, Walker, Watts, Wise, Yaryan, and Mr. Speaker—51.

Those who voted in the negative are,

Messrs. Anthony, Arnold, Carr of Clark, Carnahan, Deam, Deck-

er, Dobson, Dowling, Dunham, Fuller, Gilleece, Hall of Posey, Hanna, Harlan, Hatfield, Huffstetter, Jenison, Johnson, Jones of Greene, Lemmonds, Lewis, Logan, May, Miller, Monk, Neal, Nofsinger, Norton, Osborn, Palmer, Parks, Secrest, Shields, Sleeth, Smiley, Tackett, Tebbs, Wiley, Wilson, Wolfe, Woodruff, and Young—43.

So said resolution was so referred.

Mr. Miller moved to add Messrs. Palmer and Dowling to said committee.

Which motion did not prevail.

Mr. Miller moved to lay the resolution in reference to the tariff on the table;

On this motion,

Messrs. Cravens and Miller demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Arnold, Balding, Carr of Clark, Carnahan, Crookshank, Deam, Decker, Dobson, Dunham, Fuller, Gilleece, Hall of Posey, Hanna, Harlan, Hatfield, Holman, Huffstetter, Jenison, Johnson, Jones of Blackford, Jones of Greene, Lewis, Logan, May, Miller, Monk, Neal, Norton, Osborn, Palmer, Parks, Shields, Secrest, Sleeth, Smiley, Tackett, Tebbs, Wiley, Wilson, Wolfe, Woodruff, and Young—40.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Brown, Battell, Cassatt, Clark, Colms, Cravens, Dole, Dowling, Edwards, Ferguson, Gordon, Griffis, Green Hall of Warren, Hamilton, Harding, Harvey, Hendricks, Hicks, Hill, Holland, Hostetter, Huddleston, Hull, Hunt, Julian, Kerr, McCormack, Meredith, Moore, Noel, Parker, Porter, Powell, Scott, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tait, Thomas, Thompson, Walker, Watts, Wise, Yaryan, and Mr. Speaker—50.

So said motion did not prevail.

And said resolution was then referred to a select committee of Messrs. Cravens, Miller and Porter.

Mr. Colms introduced the following:

No. 329. A joint resolution on the subject of the treachery of Santa Anna;

Which was read a first time; when

Mr. Secrest moved to reject the joint resolution.

On this motion,

Messrs. Cravens and Logan demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Arnold, Balding, Battell, Carr of Clark, Carnahan, Crookshank, Deam, Decker, Dobson, Fuller, Gilleece, Hall of Posey, Hall

of Warren, Hanna, Harding, Harlan, Hatfield, Hicks, Hill, Holman, Huff, Huffstetter, Jenison, Johnson, Jones of Blackford, Jones of Greene, Lemmonds, Lewis, Logan, Mason, Miller, Monk, Neal, Nofsinger, Norton, Osborn, Palmer, Parks, Powell, Scott, Secrest, Sleeth, Smiley, Summers, Tackett, Tait, Tebbs, Thompson, Wiley, Wilson, Wolfe, Woodruff, Young, and Mr. Speaker—54.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Brown, Cassatt, Clark, Colms, Cravens, Edwards, Ferguson, Gordon, Griffis, Green, Hamilton, Harvey, Hendricks, Holland, Huddleston, Hull, Hunt, Julian, McCormack, Meredith, Moore, Noel, Parker, Porter, Shields, Sleeth, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Thomas, Walker, Watts, and Yaryan—36.

So said joint resolution was rejected.

Mr. Shields moved to take up the resolution of the Senate on the final adjournment of the present session.

Mr. Miller moved that the motion be laid upon the table.

On this motion,

Messrs. Shields and Suit demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Balding, Battell, Carnahan, Cassatt, Clark, Colms, Deam, Decker, Dobson, Dole, Dowling, Edwards, Fuller, Griffis, Green, Hall of Posey, Hall of Warren, Hamilton, Hanna, Hatfield, Hendricks, Hill, Hostetter, Huff, Jones of Blackford, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Mason, May, Miller, Neal, Noel, Nofsinger, Osborn, Parker, Parks, Porter, Scott, Sleeth, Smiley, Stewart of Laporte, Tebbs, Walker, Wilson, Wolfe, Young, and Mr. Speaker—51.

Those who voted in the negative are,

Messrs. Anthony, Arnold, Brown, Carr of Clark, Cravens, Crookshank, Dunham, Ferguson, Gilleece, Gordon, Harding, Harlan, Harvey, Hicks, Holland, Holman, Huddleston, Huffstetter, Hunt, Jenison, Johnson, Julian, Lutz, McCormack, Meredith, Monk, Moore, Norton, Palmer, Powell, Secrest, Shields, Stanfield, Stewart of Fayette, Suit, Summers, Tackett, Tait, Thomas, Thompson, Watts, Wiley, Woodruff, and Yaryan—44.

So said motion was laid on the table.

BILLS INTRODUCED.

By Mr. Hull:

No. 330. A bill to incorporate the Jefferson Manufacturing Company;

Which was read a first and second times, the rules being suspended, and referred to the committee on corporations.

By Mr. May:

No. 331. A bill to incorporate the Covington Draw Bridge Company.

By Mr. Carnahan:

No. 332. A bill for the relief of Alfred B. Nesbit of the county of Posey.

By Mr. Palmer:

No. 333. A bill for the relief of Hardy Cain.

By Mr. Norton:

No. 334. An act for the improvement of county libraries.

By Mr. Green:

No. 335. A bill to regulate the commissioners of Washington county in selecting grand and petit jurors.

By Mr. Mason:

No. 336. A bill to regulate the jurisdiction of justices of the peace in criminal cases.

By Mr. Holman:

No. 337. A bill to authorize settlers on the public lands to petition for county roads.

By Mr. Hatfield:

No. 338. An act to provide for German schools in Hancock county.

By Mr. May:

No. 339. A bill to authorize probate judges in Fountain county to issue writs of habeas corpus, and take acknowledgments of deeds.

Which were each read a first time and ordered to a second reading.

By Mr. Dowling:

No. 344. A bill to authorize the formation of voluntary associations.

Was read a first and second times, the rules being suspended, and referred to the judiciary committee.

Mr. Wise, on leave given, made the following report:

Mr. Speaker:

The select committee to whom was referred the petition of Mary Howell, have had the same under consideration, and have directed me to report the following bill, in pursuance of the prayer of said petition.

No. 340. A bill to legalize the marriage of William Howell and Mary Howell;

Was read a first time, and ordered to a second reading.

Mr. Hill made the following report:

Mr. Speaker:

The select committee to whom was referred petitions from citizens of the county of Jennings, praying that the provisions of "an act giving the right to the voters of Marion county to decide as to authorizing license to retail spiritous liquors in their townships," be extended to said county of Jennings, have had the same under consideration, and have directed me to report the following bill, in accordance with the prayer of said petitioners, and recommend its passage.

No. 341. An act to amend an act therein named;
Was read a first time, and ordered to a second reading.
Mr. Decker made the following report:

Mr. Speaker:

Your committee to whom was referred the petition from sundry citizens of Jasper county, praying for a law to keep up a certain mill dam across the Iroquois river, therein named, instruct me to report the following bill, and recommend its passage, and ask to be discharged from the further consideration of the same.

No. 342. A bill to authorize Nelson Beck and H. Wilcox to continue a mill dam across the Iroquois rives, in Jasper county;
Was read a first time, and ordered to a second reading.
On motion,
Bills Nos. 232, (House,) and 93, (Senate,) were taken from the table and placed on the files.
Mr. Tait made the following report:

Mr. Speaker:

The select committee to whom was referred the petition of sundry citizens of Switzerland county, on the subject of regulating the jurisdiction of justices of the peace, and for other purposes, have had the same under consideration, and authorize me to report the following bill, and recommend its passage.

No. 343. An act regulating the jurisdiction of justices of the peace in Switzerland county, and for other purposes;
Was read a first time, and ordered to a second reading.
Mr. Yaryan, on leave given, made the following report:

Mr. Speaker:

The select committee to whom was referred House bill, No. 237, entitled, "an act to provide for the election of prosecuting attorneys

by the people in the several counties," have instructed me to report, that they have amended said bill according to instructions, and now recommend its passage.

Said bill was read a third time; and
On the question of its passage,
Messrs. Thompson and Wolfe demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Brown, Carr of Clark, Cassatt, Colms, Cravens, Decker, Dole, Dowling, Gordon, Griffis, Green, Hall of Warren, Hamilton, Harlan, Hatfield, Hendricks, Hicks, Hill, Holland, Holman, Huddleston, Hull, Jenison, Julian, Lutz, Mason, May, McCormack, Meredith, Moore, Neal, Noel, Palmer, Parker, Parks, Powell, Scott, Shields, Sleeth, Smiley, Stanfield, Stewart of Laporte, Summers, Tait, Thomas, Walker, Watts, Wise, Woodruff, Yaryan, Young, and Mr. Speaker—51.

Those who voted in the negative are,

Messrs. Anthony, Arnold, Balding, Battell, Carnahan, Clark, Crookshank, Deam, Dobson, Dunham, Ferguson, Fuller, Gilleece, Hall of Posey, Hanna, Harding, Harvey, Hostetter, Huff, Huffstetter, Hunt, Johnson, Jones of Blackford, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Miller, Monk, Nofsinger, Norton, Osborn, Porter, Secrest, Stewart of Fayette, Suit, Tebbs, Thompson, Wiley, Wilson, and Wolfe—42.

So said bill passed.
Ordered, That the clerk inform the Senate thereof.
On motion by Mr. Secrest,
The House adjourned until two o'clock, P. M.

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2 *o'clock*, *P. M.*

House met.

Mr. Thompson moved a call of the House;
Which was seconded, and the absentees sent for.
When, on their appearance,
On motion by Mr. Julian,
The further call was suspended.

No. 127. (Senate bill.) A bill for the purpose of settling the debt of the Wabash Manual Labor College and Teachers' Seminary to the sinking fund of the State, and for other purposes;

Was read a third time, when

Mr. Thompson moved to indefinitely postpone the bill.

On this motion,

Messrs. Thompson and Cravens demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Arnold, Balding, Carr of Clark, Carr of Lawrence, Cravens, Deam, Dunham, Gilleece, Griffis, Green, Hatfield, Holman, Huddleston, Huff, Huffstetter, Johnson, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Mason, Miller, Monk, Norton, Osborn, Parks, Scott, Sleeth, Summers, Tackett, Tait, Tebbs, Thomas, Thompson, Watts, Wiley, Wilson, Wolfe, Woodruff, and Young—41.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Battell, Carnahan, Cassatt, Clark, Colms, Crookshank, Decker, Dobson, Dole, Dowling, Edwards, Ferguson, Fry, Fuller, Gordon, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Harlan, Harvey, Hendricks, Hicks, Hill, Holland, Hostetter, Hull, Hunt, Jenison, Jones of Blackford, Julian, Lutz, May, McCormack, Meredith, Moore, Neal, Noel, Nofsinger, Parker, Porter, Powell, Secrest, Shields, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Walker, Wise, Yaryan, and Mr. Speaker —54.

So said bill was not indefinitely postponed.

Mr. Meredith moved the previous question;

Which was seconded by the House.

And the question then being,

"Shall the main question be now put?"

It was decided in the affirmative.

And the main question being,

"Shall the bill pass?"

Messrs. Cravens and Thompson demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Brown, Battell, Carnahan, Cassatt, Clark, Colms, Crookshank, Decker, Dole, Dowling, Edwards, Fry, Gordon, Hall of Posey, Hall of Warren, Hamilton, Harding, Harlan, Harvey, Hendricks, Hicks, Hill, Hostetter, Hull, Hunt, Jenison, Julian, Lutz, May, McCormack, Meredith, Moore, Neal, Noel, Nofsinger, Parker, Porter, Secrest, Shields, Smiley, Stanfield, Stewart of

Fayette, Stewart of Laporte, Walker, Wise, Yaryan, and Mr. Speaker—49.

Those who voted in the negative are,

Messrs. Arnold, Balding, Carr of Clark, Carr of Lawrence, Cravens, Deam, Dobson, Dunham, Ferguson, Gilleece, Griffis, Green, Hanna, Hatfield, Holland, Holman, Huddleston, Huff, Huffstetter, Johnson, Jones of Blackford, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Mason, Miller, Monk, Norton, Osborn, Parks, Powell, Scott, Sleeth, Suit, Summers, Tackett, Tait, Tebbs, Thomas, Thompson, Watts, Wiley, Wilson, Wolfe, Woodruff, and Young—48.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate by Mr. English, a Senator:

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate have concurred in the amendments of the House to Senate bill

No. 64. A bill for the relief of David Durr.

Mr. Stanfield, on leave, offered the following:

Whereas, certain charges against George Johnson, probate judge of Allen county, are now under investigation before the judiciary committee: And whereas, it is represented that Johnson is guilty of bribery and receiving bribes while acting in his official capacity, and that matter not having been referred to said committee for investigation; therefore,

Be it resolved, That the judiciary committee be instructed to inquire into the truth of said charges, and report to this House.

Which was adopted.

Mr. Meredith, on leave, offered the following:

Resolved, That the select committee appointed on yesterday to inquire in reference to the water rents, &c., on the Central canal, be empowered to send for persons and papers in their investigations.

Which was adopted.

On motion by Mr. Hall of Warren,

The House adjourned until to-morrow morning at 9 o'clock.

FRIDAY MORNING, JANUARY 8th, 1847.

The House met pursuant to adjournment.

The Speaker laid before the House the report of Stearns Fisher relative to the amount of damage done on the Central canal by the late freshet.

Which was referred to the committee on canals and internal improvements.

ORDERS OF THE DAY.

House Bills on Second Reading.

No. 32. An act to amend an act entitled "An act to prohibit the making, issuing, or circulating small notes or bills," approved January 20th, 1841;

Which was read a second time and referred to the committee on the State Bank.

Mr. Edwards, on leave, presented the remonstrance of sundry citizens of the county of Vigo against the passage of said bill;

Which was also referred to the committee on the State Bank.

No. 38. An act defining the mode of publishing the delinquent tax lists in the several counties in this State;

Which was read a second time; when,

Mr. Colms offered the following amendment:

Amend by inserting in the fourth line of section five after the word "same," the following:

"And when such order shall be made by said boards of commissioners, it shall not be necessary for the auditors in their respective counties to comply in any particular with the first and second sections of this act."

Which was adopted.

Mr. Dowling moved to refer the bill to a select committee.

Mr. Colms moved to lay the motion of Mr. Dowling on the table.

On this motion,

Messrs. Colms and Cravens demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Arnold, Carnahan, Colms, Cravens, Crookshank, Deam, Decker, Dobson, Dole, Gordon, Griffis, Green, Hall of Posey, Hamilton, Harding, Harvey, Hatfield, Hendricks, Hicks, Hill, Holland, Holman, Hostetter, Huddleston, Huffstetter, Jones of Blackford, Jones of Greene, Julian, Kerr, Lemmonds, Lewis, Logan, Mason, May, McCormack, Meredith, Miller, Monk, Moore,

Neal, Nofsinger, Osborn, Palmer, Parker, Parks, Scott, Secrest, Sleeth, Smiley, Stewart of Fayette, Suit, Tait, Thomas, Walker, Watts, Wise, Wolfe, Young, and Mr. Speaker—60.

Those who voted in the negative are,

Messrs. Balding, Battell, Carr of Clark, Cassatt, Clark, Dowling, Dunham, Edwards, Ferguson, Fuller, Gilleece, Hanna, Harlan, Huff, Hull, Hunt, Noel, Norton, Porter, Powell, Shields, Stanfield, Stewart of Laporte, Summers, Tebbs, Wiley, Wilson, Woodruff, and Yaryan—29.

So said motion of Mr. Dowling was laid upon the table.

Mr. Dunham moved to amend 5th section in the 4th line by inserting the following after "same."

"Or by putting up printed or written copies of said lists, with the time and place of sale in one of the most public places in each township in said county."

Which was not adopted.

Mr. Suit moved to amend so as to except the counties of "Clinton and Carroll" from the provisions of the bill.

Which was not adopted.

Mr. Noel moved to amend as follows:

Provided, That in counties where a newspaper is published it shall be the duty of the county auditor to publish said delinquent lists at full length.

On the adoption of which,

Messrs. Noel and Miller demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Cassatt, Clark, Dowling, Edwards, Gilleece, Hamilton, Hanna, Hicks, Hunt, Noel, Norton, Powell, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Summers, Tait, Tebbs, Woodruff, and Yaryan—22.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Arnold, Battell, Carr of Clark, Carnahan, Colms, Cravens, Crookshank, Deam, Decker, Dobson, Dole, Dunham, Ferguson, Fry, Fuller, Gordon, Griffis, Green, Hall of Posey, Hall of Warren, Harding, Harvey, Hatfield, Hendricks, Holland, Holman, Hostetter, Huddleston, Huff, Huffstetter, Jenison, Johnson, Jones of Blackford, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Mason, May, McCormack, Meredith, Miller, Monk, Moore, Neal, Nofsinger, Osborn, Parker, Parks, Porter, Scott, Secrest, Shields, Sleeth, Suit, Thompson, Thomas, Walker, Watts, Wiley, Wilson, Wise, Wolfe, Young, and Mr. Speaker—69.

So said amendment was not adopted.

Mr. Stanfield offered the following amendment:

That the county auditor shall, where there is a newspaper of general circulation printed in the county, cause the delinquent list of the lands of non-residents to be published three successive weeks in such newspaper.

Which was not adopted.

Mr. Palmer offered the following amendment:

Such printing of the delinquent list shall, in counties where there are two or more newspapers printed, be let to the lowest responsible bidder, who shall give bond for the faithful performance of such contract.

On the adoption of which,

Messrs. Palmer and Dowling demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Balding, Battell, Carr of Clark, Cassatt, Clark, Crookshank, Dunham, Edwards, Ferguson, Fuller, Gilleece, Griffis, Green, Hamilton, Holland, Holman, Hostetter, Jenison, Johnson, Jones of Blackford, Noel, Norton, Palmer, Porter, Powell, Scott, Shields, Stanfield, Stewart of Laporte, Summers, Tebbs, Wolfe, and Woodruff—33.

Those who voted in the negative are,

Messrs. Anthony, Arnold, Carnahan, Colms, Cravens, Deam, Decker, Dobson, Dole, Fry, Gordon, Hall of Posey, Hall of Warren, Hanna, Harding, Harvey, Hatfield, Hendricks, Hicks, Hill, Huddleston, Huff, Huffstetter, Hunt, Jones of Green, Julian, Kerr, Lemmonds, Lewis, Logan, Mason, May, McCormack, Meredith, Miller, Monk, Moore, Neal, Nofsinger, Osborn, Parker, Parks, Secrest, Sleeth, Smiley, Stewart of Fayette, Suit, Tait, Thomas, Thompson, Walker, Watts, Wiley, Wilson, Wise, Yaryan, Young, and Mr. Speaker—54.

So said amendment was not adopted.

Mr. Jones of Greene, moved to amend by inserting between the 4th and 5th lines in the 2d section,

"Or in such other places as the board doing county business may direct."

Which was adopted.

Mr. Suit moved the previous question.

Which was seconded by the House.

And the question being,

"Shall the main question be not put?"

It was decided in the affirmative.

And the main question being,

"Shall the bill be engrossed for a third reading?"
Messrs. Suit and Colms demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Arnold, Balding, Carr of Clark, Carnahan, Cassatt, Clark, Colms, Crookshank, Decker, Dobson, Dole, Dunham, Edwards, Ferguson, Fry, Griffis, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Harlan, Harvey, Hatfield, Hendricks, Hill, Holland, Holman, Hostetter, Huddleston, Huff, Huffstetter, Hull, Hunt, Jenison, Johnson, Jones of Blackford, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Lutz, Mason, May, McCormack, Meredith, Miller, Monk, Moore, Neal, Nofsinger, Norton, Osborn, Palmer, Parker, Parks, Porter, Scott, Secrest, Shields, Sleeth, Smiley, Stewart of Fayette, Suit, Thomas, Thompson, Walker, Watts, Wiley, Wilson, Wise, Wolfe, Young, and Mr. Speaker—76.

Those who voted in the negative are,

Messrs. Battell, Cravens, Deam, Dowling, Fuller, Gilleece, Gordon, Hamilton, Hicks, Noel, Powell, Stanfield, Stewart of Laporte, Summers, Tait, Tebbs, and Woodruff—17.

So said bill was ordered to be engrossed for a third reading.

No. 208. A bill to establish an institute for the education of the blind of the State of Indiana.

Was read a second time, when

Mr. Watts moved to amend as follows:

1st. Strike out *section eight.*

2d. Strike out in section 9 the following words in the 7th line—"*in addition to the proceeds of said square, so as above to be sold,*"—and also, all after the words "otherwise appropriated," in the 9th line to the end of the section.

3d. Add in section 12, after the word authorized in the 3d line, the words "*if they shall deem it expedient.*"

Which amendments were adopted.

Mr. Edwards offered the following amendment:

Add at the end of section 7 the following:

Provided further, That when more pupils are offered for the benefit of the Institute, than can be received at any one time, the said trustees shall so apportion their number among the several counties of this State according to their representation, when application shall be made, that every county may equally receive the benefit of the same.

Add after the word State, where it occurs in the first line of section 10, the words "*or private beneficence.*"

Add also at the end of section 10:

The said trustees shall be, and they are hereby authorized and em-

powered to receive by gifts, legacies, conveyances or otherwise, lands, moneys, and other property, and the same to retain, use, and apply to the education of the blind within the State of Indiana, to any amount, the interest, profits, or proceeds of which shall not exceed the sum of twenty thousand dollars per annum.

Which was adopted.

And said bill as amended was ordered to be engrossed for a third reading.

No. 232. An act for the relief of E. F. Lucas;

Which was read a second time and referred to the committee on canals and internal improvements;

No. 246. A bill to authorize the writs of *ne exeat;*

Was read a second time, when

Mr. Secrest moved to strike out all that part of the bill which relates to debts that are due at the time of suing out the writ;

Which motion prevailed.

Mr. Harlan offered the following:

Add in the proper place,

"And the said plaintiff or plaintiffs shall prove to the satisfaction of the court or jury trying the same all the material matter alleged in their affidavit;"

Which was adopted.

Mr. Palmer moved to refer the bill to a select committee;

Which motion did not prevail.

The question then being on the engrossment of the bill,

Messrs. Neal and Palmer demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Balding, Battell, Carnahan, Cassatt, Clark, Colms, Crookshank, Dole, Fry, Gordon, Griffis, Green, Hall of Posey, Hamilton, Harding, Harlan, Harvey, Hatfield, Hendricks, Hicks, Hill, Holland, Hostetter, Huddleston, Hull, Jones of Blackford, Julian, Logan, Lutz, McCormack, Meredith, Moore, Noel, Osborn, Parker, Porter, Powell, Scott, Secrest, Smiley, Stewart of Laporte, Suit, Summers, Tackett, Tait, Tebbs, Thompson, Wilson, Wise, Wolfe, Yaryan, and Mr. Speaker—53.

Those who voted in the negative are,

Messrs. Anthony, Arnold, Brown, Carr of Clark, Cravens, Decker, Dobson, Dowling, Edwards, Ferguson, Fuller, Gilleece, Hall of Warren, Hanna, Holman, Huff, Huffstetter, Hunt, Jenison, Jones of Greene, Kerr, Lemmonds, Lewis, Mason, May, Miller, Neal, Norton, Palmer, Parks, Stewart of Fayette, Thomas, Walker, Watts, Wiley, Woodruff, and Young—38.

So said bill was ordered to be engrossed for a third reading.

No. 247. A bill to subject certain kinds of personal property to the payment of debts by bill in chancery;

Was read a second time, when

Mr. Secrest moved to indefinitely postpone the bill.

On this motion,

Messrs. Secrest and Neal demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Arnold, Balding, Carr of Clark, Carnahan, Crookshank, Deam, Decker, Dobson, Dole, Dowling, Edwards, Fuller, Gilleece, Griffis, Green, Hall of Posey, Hall of Warren, Hanna, Harlan, Hatfield, Hicks, Hill, Holman, Hostetter, Huddleston, Huffstetter, Hunt, Jenison, Johnson, Jones of Blackford, Jones of Greene, Lemmonds, Lewis, Logan, Lutz, Mason, May, Miller, Monk, Neal, Nofsinger, Norton, Osborn, Palmer, Parks, Scott, Secrest, Shields, Smiley, Tackett, Tebbs, Thomas, Wiley, Wilson, Wolfe, Woodruff, Young, and Mr. Speaker—58.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Brown, Battell, Cassatt, Clark, Colms, Cravens, Dunham, Ferguson, Gordon, Hamilton, Harding, Harvey, Hendricks, Holland, Huff, Hull, Julian, Kerr, McCormack, Meredith, Moore, Noel, Parker, Porter, Powell, Sleeth, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tait, Thompson, Walker, Wise, and Yaryan—38.

So said bill was indefinitely postponed.

On motion by Mr. Huddleston,

The House adjourned until 2 o'clock, P. M.

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2 *o'clock, P. M.*

The House met.

ORDERS OF THE DAY CONTINUED.

No. 248. A bill to locate a State road therein named;

No. 250. A bill in regard to the former surplus revenue agent in Perry county (John Elder;)

No. 253. A bill to vacate certain alleys in the town of Greencastle, Putnam county;

No. 255. A joint resolution relative to the public lands in the county of Gibson;

No. 256. A bill to provide for the election of an additional justice of the peace and constable in Jackson township, Boone county;

No. 266. A bill to improve the Michigan road in Carroll county;

No. 269. A bill to amend an act entitled "An act to provide for opening and repairing public roads and highways in the counties of Gibson and Pike," approved January 31, 1842;

No. 274. A bill to amend the 144th section of the 30th chapter of the Revised Statutes of 1843;

No. 280. A bill to legalize the acts of the school commissioner of Harrison county;

No. 281. A bill relating to auditor's fees in Bartholomew county;

No. 286. A bill to re-locate a State road in Vigo county;

No. 287. A bill for the relief of lessees of water power at Wabash dam No. 4, in Carroll county;

No. 288. A bill to re-locate the State road from Rushville, in Rush county, to Laurel, in Franklin county;

No. 289. A bill to amend an act entitled "An act relative to leveeing the Wabash river on Shaker prairie," approved January 14, 1846;

No. 291. A bill to incorporate the town of Muncie, in Delaware county;

No. 296. A bill to improve the roads in Centre township, in the county of Dearborn;

No. 298. A bill more fully to explain the 54th section, chapter 16 of the Revised Code of 1843;

No. 299. A joint resolution in relation to settlers upon the "Great Miami Reserve;"

No. 300. A bill for the relief of Henry Wells, (sheriff of Lake county;)

No. 301. A bill relative to road tax in Laporte county;

No. 303. A bill for the relief of the inhabitants of district No. 6, in township 2, north of range 2 east, in the counties of Washington and Orange;

No. 305. A bill to locate a State road between the counties of Noble and Lagrange;

No. 310. A bill providing for the fees of the auditor of Hancock county;

No. 311. A bill to amend an act entitled "An act relative to overseers of the poor," approved January 15, 1844;

Were each severally read a second time and ordered to be engrossed for a third reading.

No. 254. An act to change the name of Eliza Ann Camden to Eliza Ann Sidwell;

Was read a second and third times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

No. 257. A bill to incorporate the Columbus Bridge Company;

Was read a second time and referred to the committee on corporations;

No. 258. A bill in regard to suits brought by practising physicians;

No. 262. A bill to secure the rights of stockholders in incorporated companies, and to make the directors thereof responsible for the abuse of their trusts;

No. 292. A bill to change the mode of obtaining license to retail spiritous liquors in Decatur county;

No. 309. An act amendatory to the 30th chapter of the Statutes of 1843;

Were each severally read a second time and referred to the committee on the judiciary.

No. 268. An act to authorize the probate judge of the county of Dearborn to take and certify the acknowledgment of deeds, and for other purposes;

No. 282. A bill dispensing with riding bailiffs to grand jurors;

No. 294. A bill supplementary to an act entitled "An act fixing the time of holding courts in the 8th judicial circuit;

No. 249. A bill to provide for the plan of a State building to be erected in the city of Indianapolis;

Were each severally read a second time and laid on the table.

No. 259. A joint resolution relative to the St. Joseph river;

Which was read a second time; when,

Mr. Miller moved to amend by inserting the Wabash river.

Mr. Shields moved to amend the amendment by inserting Salt river;

Which motion prevailed.

Mr. Stanfield moved to lay the amendments on the table;

Which motion prevailed.

Mr. Palmer moved to refer the joint resolution to a select committee;

Which motion did not prevail.

Mr. Palmer moved to strike out that part which affirms that Congress has the constitutional right to make appropriations for the improvements of rivers, &c.

On this motion,

Messrs. Palmer and Shields demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Arnold, Balding, Carr of Clark, Carnahan, Crookshank, Decker, Dunham, Fuller, Gilleece, Hall of Posey, Hanna, Hatfield, Holman, Huffstetter, Jenison, Johnson, Jones of Greene, Lewis, Logan, Mason, May, Miller, Monk, Neal, Nofsinger, Osborn, Palmer, Parks, Secrest, Sleeth, Smiley, Tebbs, Wiley, Wilson, Wolfe, Woodruff, and Young—37.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Brown, Battell, Cassatt, Clark, Colms, Cravens, Deam, Dole, Dowling, Edwards, Ferguson, Fry, Gordon, Griffis, Green, Hall of Warren, Hamilton, Harding, Harvey, Hendricks, Hicks, Hill, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Julian, Kerr, Lemmonds, Lutz, McCormack, Meredith, Moore, Noel, Norton, Parker, Porter, Powell, Scott, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tait, Thomas, Thompson, Walker, Watts, Wise, Yaryan, and Mr. Speaker—56.

So said motion did not prevail.

The question then being on the engrossment of the bill,

Messrs. Dunham and Colms demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Brown, Battell, Cassatt, Clark, Colms, Cravens, Deam, Dole, Dowling, Edwards, Ferguson, Fry, Gordon, Griffis, Green, Hall of Warren, Hamilton, Harding, Harvey, Hicks, Hill, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Jenison, Julian, Kerr, Lemmonds, Lutz, McCormack, Meredith, Moore, Noel, Norton, Parker, Porter, Powell, Scott, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tait, Thomas, Thompson, Walker, Watts, Wise, Yaryan, and Mr. Speaker—56.

Those who voted in the negative are,

Messrs. Arnold, Balding, Carr of Clark, Carnahan, Crookshank, Decker, Dunham, Fuller, Gilleece, Hall of Posey, Hanna, Harlan, Hatfield, Holman, Huffstetter, Johnson, Jones of Greene, Lewis, Logan, Mason, May, Miller, Monk, Neal, Nofsinger, Osborn, Palmer, Parks, Sleeth, Smiley, Tebbs, Wiley, Wilson, Wolfe, Woodruff, and Young—36.

So said bill was ordered to be engrossed.

No. 261. A joint resolution expressive of the approbation of the General Assembly of the State of Indiana in the Mexican war;

Which was read a second time; when,

Mr. Cravens moved to refer the same to the select committee who have under consideration that part of the Governor's message relating to the Mexican war.

On this motion,

Messrs. Palmer and Neal demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Brown, Battell, Cassatt, Clark, Colms, Cravens, Dole, Dowling, Edwards, Ferguson, Fry, Gordon, Griffis,

Green, Hall of Warren, Hamilton, Harding, Harvey, Hill, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Julian, Lutz, McCormack, Meredith, Moore, Noel, Parker, Porter, Powell, Scott, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Thomas, Thompson, Walker, Watts, Wise, Yaryan, and Mr. Speaker—50.

Those who voted in the negative are,

Messrs. Arnold, Balding, Carr of Clark, Carnahan, Crookshank, Deam, Decker, Dobson, Dunham, Fuller, Gilleece, Hall of Posey, Hanna, Harlan, Hatfield, Hicks, Holman, Huffstetter, Jenison, Johnson, Jones of Blackford, Jones of Greene, Lemmonds, Lewis, Logan, Mason, May, Miller, Monk, Neal, Nofsinger, Norton, Osborn, Palmer, Parks, Sleeth, Smiley, Tait, Tebbs, Wiley, Wilson, Wolfe, Woodruff, and Young—45.

So said bill was so referred.

Mr. Thompson offered the following as instructions:

WHEREAS, the government of the United States is engaged in a sanguinary war with the republic of Mexico, and it is the duty of every good citizen to rally around the star-spangled banner whenever his services are needed; therefore,

Be it resolved, That our senators in Congress be instructed, and our representatives be advised, to use their exertions to procure the passage of a law to raise men and means amply sufficient to prosecute the war vigorously to an honorable peace.

Which were not adopted.

No. 273. An act defining the mode of publishing the delinquent tax lists in the county of Clinton;

Was read a first time and referred to a select committee of Messrs. Suit, Sleeth and Powell.

No. 290. An act to repeal an act entitled "An act to confine voters to their respective townships," approved January 13, 1845, so far as the same relates to Owen county;

Was read a second time and recommitted to the committee from whom it was heretofore reported.

No. 297. An act to extend the privileges of the State library;

Was read a second time and referred to the committee on the State library.

No. 304. A bill to re-organize and regulate the militia of the State of Indiana;

Was read a second time and referred to the House as a committee of the whole and made the special order of the day for to-morrow morning at 10 o'clock.

No. 306. A joint resolution relative to the Wabash and Erie canal scrip;

Was read a second time and referred to a select committee of Messrs. Cassatt, May, Suit, Wilson, Dole, Wolfe, and Palmer.

No. 308. An act to regulate the price of tax deeds;

Was read a second time; when,

Mr. Anthony offered the following amendment:

Add the following section:

Sec. —. That for recording any tax deed only the sum of fifty cents shall be hereafter charged.

Which was laid on the table.

Mr. Thompson moved to amend so as to confine the provisions of the law to the counties of Steuben and De Kalb;

Which was not adopted.

The question then being on the engrossment of the bill,

Messrs. Summers and Powell demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Brown, Balding, Battell, Cassatt, Clark, Cravens, Deam, Decker, Dole, Dowling, Ferguson, Fry, Fuller, Gilleece, Hall of Warren, Hamilton, Hanna, Harding, Harlan, Hicks, Holman, Huddleston, Huff, Huffstetter, Hunt, Jones of Blackford, Lewis, Logan, May, McCormack, Meredith, Miller, Moore, Neal, Noel, Osborn, Palmer, Parker, Parks, Porter, Sleeth, Smiley, Stewart of Laporte, Suit, Watts, Wiley, Wilson, Wise, Wolfe, and Mr. Speaker—52.

Those who voted in the negative are,

Messrs. Arnold, Carnahan, Dobson, Dunham, Edwards, Gordon, Griffis, Green, Hall of Posey, Harvey, Hendricks, Hill, Holland, Hull, Jenison, Jones of Greene, Julian, Kerr, Lemmonds, Lutz, Mason, Monk, Nofsinger, Powell, Scott, Secrest, Shields, Stanfield, Summers, Tait, Thompson, Walker, Woodruff, Yaryan, and Young—34.

So said bill was ordered to be engrossed for a third reading.

Mr. Secrest, on leave, introduced the following resolution:

Resolved, That this House respectfully recommend to the friends of education the holding of a State Common School Convention at Indianapolis, on the fourth Wednesday of May next, for the purpose of consulting and devising the best course to be pursued to promote common school education in our State.

Which was adopted.

Mr. Tait made the following report:

Mr. Speaker:

The committee on enrolled bills have compared the following enrolled with the engrossed bills, and find them truly enrolled.

No. 122. An act authorizing the State Bank of Indian a tolay off, plat and record, in out-lots, certain lands adjoining and laying near to the town of South Bend, in St. Joseph county.

No. 119. An act to amend an act, entitled "An act granting to the citizens of Madison and the town of Lawrenceburgh, a city charter.

No. 128. An act to regulate the mode of doing county business in the county of Harrison.

No. 143. An act for the improvement of highways in Bartholomew county.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

A message from the Senate, by Mr. Jones, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate have concurred in the amendments of the House to Senate bill,

No. 46. A bill to increase the number of pilots at the Falls of the Ohio river.

A message from the Senate, by Mr. Jones, their secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate have passed the following engrossed bill of the House without amendment:

No. 159. A bill authorizing the superintendent of the Wabash and Erie Canal to settle with Gookins, Barnes, and Thomas.

A message from the Senate, by Mr. Jones, their secretary.

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate have adopted the following resolution:

Resolved, That the House of Representatives be requested to return to the secretary of the Senate bill of the Senate No. 158, entitled "A bill for the relief of King and others," this day reported to that body.

Which resolution was reciprocated by the House.

Mr. Dowling, on leave, offered the following:

Resolved, That as this day is the anniversary of the splendid victory obtained by General Andrew Jackson, and the troops under his command, over the British forces under General Packenham, on the plains of New Orleans, (which victory shed unfading glory on the American arms,) this House do now, in honor of the day, adjourn until to-morrow.

Which was adopted.

Whereupon the House adjourned until to-morrow morning at 9 o'clock.

SATURDAY MORNING, January 9th, 1847.

The House met pursuant to adjournment.

After some time spent in reading the journal of yesterday,

On motion by Mr. Fuller,

The further reading was dispensed with.

ORDERS OF THE DAY.

Bill of the House,

No. 313. An act amendatory of, and supplementary to the 15th chapter of the Revised Statutes of 1843, in relation to common schools.

Which was pending at the adjournment on yesterday,

Was taken up and read a second time, when

Mr. Fuller moved to strike out the 12th section of the bill.

Which was not adopted.

Said bill was then ordered to engrossed for a third reading.

On motion by Mr. Suit,

No. 268. An act to authorize the probate judge of the county of Dearborn to take and certify the acknowledgment of deeds, &c., and for other purposes,

Was taken up, and referred to a select committee of Messrs. Suit, Tebbs, and Sleeth.

No. 316. A bill to authorize the citizens of Wabash county to build a bridge across the Wabash river on dam No. 2 in said county.

No. 321. An act authorizing the commissioner of the Wabash and Erie Canal to credit and receipt for moneys heretofore paid by purchasers of Wabash and Erie Canal lands.

No. 320. An act to regulate and change the time of holding courts in the 4th judicial circuit, and to authorize special chancery courts to be held therein.

No. 319. A bill relative to grand juries in the county of Washington.

No. 323. A bill for the relief of Abram Hendricks & Son.

No. 322. A bill to locate a State road in the counties of Posey and Vanderburgh.

No. 325. A joint resolution on the subject of education;

No. 332. A bill for the relief of Alfred B. Nesbit of the county of Posey;

No. 335. A bill to regulate the commissioners of Washington county in selecting grand and petit jurors;

No. 334. An act for the improvement of county libraries;

No. 337. A bill to authorize settlers on the public lands to petition for county roads.

No. 339. A bill to authorize probate judges in Fountain county to issue writs of habeas corpus, and take acknowledgments of deeds.

No. 343. An act regulating the jurisdiction of justices of the peace in Switzerland county, and for other purposes.

No. 340. A bill to legalize the marriage of William Howell and Mary Howell.

No. 341. An act to amend an act "giving the right to the voters of Marion county to decide as to authorizing licenses to retail spirituous liquors in their townships," approved January 19, 1846.

Were each severally read a second time, and ordered to be engrossed for a third reading.

No. 318. A bill to amend an act entitled, "an act to provide for the appointment of township assessors in certain counties therein named, and defining their duties," approved January 18, 1844, so far as the same relates to the county of Washington.

Was read a second time, and referred to the committee on the judiciary with instructions to make the provisions of the bill general.

No. 314. An act to provide for the payment of the expenses of completing the selecting, appraising, classifying and mapping the lands granted by Congress for completing the Wabash and Erie Canal, from Terre Haute to the Ohio river.

Was read a second time, and referred to the committee on ways and means.

On motion by Mr. Hill,

The vote taken yesterday on bill,

No. 281. An act relating to auditor's fees in Bartholomew county,

Was reconsidered, and said bill referred to the judiciary committee.

No. 317. An act to attach additional territory to the county of Blackford, and for other purposes.

No. 336. A bill to regulate the jurisdiction of justices of the peace in criminal cases.

Were each severally read a second time, and referred to the judiciary committee.

No. 315. A bill to authorize the surrender of canal lands in certain cases.

Was read a second time, and referred to the committee on canals and internal improvements.

No. 326. A joint resolution in relation to pre-emptions in the great Miami Reserve.

Was read a second time, and laid on the table.

No. 327. A joint resolution on the subject of prohibiting the acquiring of slave territory from the Mexican Republic.

Was read a second time, and referred to the select committee to whom was referred that portion of the Governor's message relating to the Mexican war.

No. 328. A joint resolution in relation to the Wabash and Erie Canal.

Was read a second time, and referred to a committee of Messrs. Cassatt, and others.

No. 331. A bill to incorporate the Covington Draw Bridge Company.

Was read a second time, and referred to the committee on corporations.

No. 333. A bill for the relief of Hardy Cain.

Was read a second time, and lost on the question of its engrossment.

On motion by Mr. Hamilton,

The rules were suspended, and bill of the Senate,

No. 57. An act to create the 13th judicial circuit, and to reorganize the 3d judicial circuit,

Was taken up, and said bill read a second time and referred to a select committee of Messrs. Cravens, Crookshank, Wiley, Johnson, Tebbs, Tait, Hendricks, Hull, Wise, Hill, Arnold, and Hamilton.

Mr. Thompson, on leave, made the following report:

Mr. Speaker:

The committee on claims to which was referred a bill providing for a settlement of a claim of Adam Moderwell, has instructed me to make one amendment, to-wit: strike all out after the words "railroad" in the sixth line, and insert the following, in which the concurrence of the House is respectfully requested.

His excellency, the Governor, be, and he is hereby authorized to appoint a disinterested person who shall repair to the city of Madison upon some day certain to be designated by said person, of which day at least ten days previous notice shall be given to Adam Moderwell, who prefers a claim against the State of Indiana for work and labor done on the 1st section of the Madison and Indianapolis Railroad, and the said person after having taken an oath to truly and faithfully discharge the duties required of him by the provisions of this act, shall proceed to investigate the claim of said Adam Moderwell, examining no witness except on oath, and which oath the person appointed as above shall administer; and after hearing the evidence in support of said claim, he shall determine what amount, if any, is due said Adam Moderwell, and give him a certificate under his hand and seal for the same.

Sec. 2. And the person appointed as above shall also give to the Agent of State ten days notice of the day he designates to investigate said claim; and the said State Agent shall attend on the part of the State, and see that said investigation is fully and fairly made into all matters concerning the contract under which he claims a balance from the State, upon the contract made with the commissioners of said road, and into the delinquencies and performances of said Moderwell in his contract; and the person appointed as above

shall have full power to compel the attendance of all necessary witnesses.

Sec. 3. If any sum is determined by the person appointed by the Governor to be owing and due to said Moderwell, the Agent of State is hereby authorized to pay the same on presentation of the certified claim by said Moderwell, his assigns or legal representative, out of any money which is or may come into his possession from the suspended debt.

The said commissioner appointed by the Governor shall be entitled to $2 per day for every day he is actually engaged in investigating said claim, to be paid by the State, if it is determined that the State is indebted to said Moderwell; and if it is determined that the State is not indebted to said Moderwell, then the said Moderwell shall pay all the expenses of said investigation, including said commissioner's per diem allowance.

This act to be in force from and after its passage.

Said amendments were concurred in by the House, and said bill

Was read a second and third times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

The House then resolved itself into a committee of the whole on bill

No. 304. A bill to reorganize and regulate the Militia of the State of Indiana;

With Mr. Miller in the chair.

And after some time spent therein, the committee rose, and the chairman reported that they having had the bill under consideration had come to one amendment in which the concurrence of the House was respectfully requested, to wit:

Strike out the word "Richardville," and insert "Howard;" and asked to be discharged from the further consideration thereof;

Which amendment was concurred in and the committee discharged.

Mr. Tait offered the following amendment:

Provided, That nothing in this act shall repeal, or in any way affect, the act entitled an act to organize the Militia of Indiana approved February 10th, 1831, and to revise and amend the laws authorizing the formation of companies of independent militia by voluntary enlistment, approved January 15th, 1844;

Which was not adopted.

Mr. Fuller moved the previous question;

Which was seconded by the House.

The question then being,

"Shall the main question bo now put?"

It was decided in the affirmative.

The main question being,

"Shall the bill be engrossed for a third reading?"

Messrs. Shields and Cravens demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Arnold, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Colms, Deam, Decker, Dobson, Dole, Dowling, Edwards, Ferguson, Fuller, Gilleece, Griffis, Green, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Hatfield, Hendricks, Holland, Holman, Hostetter, Huff, Huffstetter, Johnson, Jones of Greene, Lemmonds, Lewis, Logan, Lutz, Mason, May, Miller, Monk, Neal, Osborn, Parker, Parks, Porter, Scott, Sleeth, Smiley, Secrest, Stanfield, Stewart of Laporte, Suit, Tebbs, Thompson, Walker, Wiley, Wilson, Wise, Wolfe, Woodruff, and Young—63.

Those who voted in the negative are,

Messrs. Addleman, Brown, Cassatt, Gordon, Harvey, Hicks, Hill, Huddleston, Hull, Hunt, Jones of Blackford, Julian, Kerr, McCormack, Meredith, Moore, Noel, Nofsinger, Norton, Palmer, Powell, Shields, Summers, Tait, Thomas. Yaryan, and Mr. Speaker—27.

So said bill was ordered to be engrossed for a third reading.

No. 338. An act to provide for German schools in Hancock county;

Was read a second time, when

Mr. Colms offered the following amendment:

"Amend by inserting the counties of Kosciusko and Randolph;"

Which was adopted.

Mr. Dole moved that the bill and amendment be indefinitely postponed.

On which motion,

Messrs. Shields and Parker demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Brown, Cassatt, Clark, Dobson, Dole, Edwards, Green, Hall of Warren, Hamilton, Harding, Harvey, Hicks, Hill, Holman, Huddleston, Hull, Hunt, Jones of Greene, Kerr, Lutz, Miller, Moore, Nofsinger, Osborn, Palmer, Scott, Secrest, Stewart of Fayette, Stewart of Laporte, Tait, Thomas, Wiley, Wise, Young, and Mr. Speaker—36.

Those who voted in the negative are,

Messrs. Addleman, Arnold, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Colms, Deam, Decker, Dowling, Edwards, Fuller, Gilleece, Gordon, Griffis, Hall of Posey, Hanna, Harlan, Hatfield, Hendricks, Holland, Hostetter, Huff, Huffstetter, Johnson, Jones of Blackford, Julian, Lemmonds, Lewis, Logan, Mason, May, McCormack, Meredith, Neal, Noel, Norton, Parker, Parks, Porter,

Powell, Shields, Sleeth, Smiley, Summers, Tackett, Tebbs, Thompson, Walker, Wilson, Wolfe, Woodruff, and Yaryan—57.

So said bill was not indefinitely postponed.

Mr. Holland moved to amend by inserting " the State of Indiana ;"

Which was not adopted.

Mr. Holman moved to lay the bill and amendments on the table ;

On which motion,

Messrs. Holman and Suit demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Arnold, Brown, Clark, Dole, Dowling, Edwards, Ferguson, Green, Hall of Warren, Hamilton, Harding, Harvey, Hicks, Hill, Holman, Huddleston, Hull, Hunt, Jones of Greene, Kerr, Lutz, May, Miller, Monk, Moore, Osborn, Palmer, Scott, Secrest, Stanfield, Stewart of Fayette, Stewart of Laporte, Tait, Thomas, Walker, Wiley, Wise, and Mr. Speaker—39.

Those who voted in the negative are,

Messrs. Addleman, Balding, Battell, Carr of Lawrence, Carnahan, Cassatt, Colms, Deam, Decker, Dobson, Gilleece, Gordon, Griffis, Hall of Posey, Hanna, Harlan, Hatfield, Hendricks, Holland, Hostetter, Huff, Huffstetter, Johnson, Jones of Blackford, Julian, Lemmonds, Lewis, Mason, McCormack, Meredith, Neal, Noel, Norton, Parker, Parks, Porter, Powell, Shields, Sleeth, Smiley, Suit, Summers, Tebbs, Thompson, Wilson, Wolfe, Woodruff, Yaryan, and Young—49.

So said bill was not laid on the table,

On motion by Mr. Yaryan,

All the counties in the State were added, and said bill referred to the committee on education.

Mr. Palmer, on leave, introduced the following joint resolution :

No. 345. A joint resolution to authorize the making of estimates for the completion of the new State Prison and other buildings ;

Which was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Bill of the Senate

No. 62. A bill to amend an act entitled " An act to incorporate the Knightstown and Shelbyville Railroad Company ;"

Was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Fuller, on leave, made the following report :

Mr. Speaker :

The select committee, to which was referred a petition and re-

monstrance in relation to the act of incorporation of the town of Indianapolis, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 346. A bill to incorporate the town of Indianapolis:

Was read a first and second times, the rules being suspended, and referred to the committee on corporations.

On motion by Mr. Palmer,

The House adjourned until 2 o'clock, P. M.

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2 *o'clock, P. M.*

The House met.

Mr. Edwards moved a call of the House.

Which was seconded.

And Messrs. Jenison and Trimble excused attendance for the present.

On motion by Mr. Thompson,

The further call was suspended.

ORDERS OF THE DAY CONTINUED.

The following message recieved from the Senate, by Mr. Jones, their secretary, was taken up.

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate have adopted the following resolution:

Resolved, That the Senate will, the House of Representatives concurring therein, adjourn *sine die* on the 18th day of January next.

In which the concurrence of the House of Representatives is respectfully requested.

Mr. Dowling moved to lay the resolution on the table.

On this motion,

Messrs. Stanfield and Huddleston demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Battell, Carr of Lawrence, Carnahan, Cassatt, Colms, Crookshank, Decker, Dobson, Dole, Dowling, Edwards, Fry, Fuller, Hall of Warren, Hamilton, Harding, Hatfield, Hill, Hostetter, Hull, Jones of Blackford, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Mason, May, Miller, Moore, Noel, Nofsinger, Norton, Osborn, Parker, Parks,

Porter, Scott, Secrest, Sleeth, Stewart of Laporte, Tait, Tebbs, Walker, Watts, Wiley, Wilson, Wise, Wolfe, Woodruff, and Mr. Speaker —51.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Arnold, Brown, Balding, Carr of Clark, Clark, Deam, Dunham, Ferguson, Gilleece, Gordon, Griffis, Green, Hall of Posey, Hanna, Harlan, Harvey, Hendricks, Hicks, Holland, Holman, Huddleson, Huff, Huffstetter, Hunt, Johnson, Julian, Lutz, McCormack, Meredith, Monk, Neal, Powell, Smiley, Stanfield, Stewart of Fayette, Suit, Summers, Thomas, Thompson, and Young—42.

So said resolution was laid upon the table.

The following message was received from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate have passed the following engrossed bills and joint resolutions thereof:

No. 89. A bill relative to costs.

No. 91. A bill in relation to brokers.

No. 100. A bill relative to the assignment of dower, and to amend article 3, chapter 45 of the Revised Statutes of 1843.

No. 102. A bill relative to executions.

No. 106. A bill to vacate offices when officers become insane.

No. 107. A bill to amend the charter of the Milford and Columbus Railroad Company.

No. 108. A bill to dissolve the bonds of matrimony existing between James D. Roberts and Sarah Jane Roberts.

No. 109. A bill to incorporate a public seminary in the town of Aurora, in the county of Dearborn.

No. 110. A bill to divorce Martha J. Thompson from Andrew B. Thompson, her husband.

No. 115. A bill for the relief of Andrew W. Baker and Rosanna Baker, his wife, and Alexander Mendenhall.

No. 122. A bill to amend an act, entitled "An act to incorporate the Michigan Road Company," approved January 13, 1845; and an act, entitled "An act to amend an act, entitled an act to incorporate the Michigan Road Company, approved January 13, 1845," approved January 19, 1846.

No. 140. A bill for the relief of Joel B. Cahoon.

No. 149. A bill extending the time of holding the probate court in Fountain county.

No. 154. A joint resolution on the subject of improving the mail communication between the Wabash valley and New Orleans.

No. 157. A bill for the location of a State road in the counties of Hendricks, Putnam, and Montgomery.

In which the concurrence of the House of Representatives is respectfully requested.

I am also directed by the Senate to inform the House that the Senate have passed the following engrossed bills and joint resolutions of the House, without amendment:

No. 119. A bill to amend an act, entitled "An act granting to the citizens of Madison and the town of Lawrenceburgh a city charter.

No. 122. A bill authorizing the State Bank of Indiana to lay off, plat and record, in out-lots, certain lands adjoining and laying near to the town of South Bend, in St. Joseph county.

No. 128. A bill to regulate the mode of doing county business in the county of Harrison.

No. 132. A joint resolution in relation to pre-emptions on the Miami National Reservation in the State of Indiana.

No. 143. A bill for the improvement of highways in Bartholomew county.

Nos. 89, 91, 101, 102, 106, 107, 109, 115, 122, 140, 149, 154, and 157, in said message mentioned, were each read a first time and ordered to a second reading.

Nos. 108 and 110 were each read a first time, and

On motion,

Rejected by the House.

A message from the Senate, by Mr. Jones, their secretary.

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate have passed bills of the House,

No. 66. To reduce the expenses of Floyd county.

No. 94. Making appropriation for the arrest of Silas Doty, a fugitive from justice.

No. 96. For the improvement of the breed of horses and mules in the counties of Blackford and Kosciusko.

No. 135. Authorizing the collection of certain taxes therein named,

With sundry amendments, in which the concurrence of the House is respectfully requested.

The Senate has also concurred in the amendment of the House to bill of the Senate,

No. 12. Relative to the execution of decrees in chancery,

With an amendment, in which the concurrence of the House is respectfully requested.

The amendments of the Senate to said bill were each read and concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Jones, their secretary.

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate have passed the following engrossed bills and joint resolution thereof:

No. 118. A bill in relation to retailing intoxicating liquors in Laporte county.

No. 119. A bill for the relief of Loncasy Sherwood.

No. 120. A joint resolution on the subject of the improvement of harbors and rivers.

No. 124. A bill to amend an act, entitled "An act to establish a turnpike road in the county of Adams," approved January 13th, 1845.

No. 126. A bill to authorize the superintendent of the Wabash and Erie Canal to pay such equitable claims as counties and individuals may have, for surveying and locating the canal from Tippecanoe to Terre Haute.

No. 128. A bill to locate a State road in Daviess, Martin, and Dubois counties.

In which the concurrence of the House of Representatives is respectfully requested.

Bills Nos. 118, 120, 124, 126, and 128 in said message mentioned, were each read a first time and ordered to a second reading.

No. 119 was read a first time and rejected by the House.

I am also instructed by the Senate to inform the House that the Senate have passed the following engrossed bills and joint resolutions of the House, without amendment:

No. 10. A bill explanatory of the act therein named.

No. 18. A bill to incorporate the town of Mount Vernon.

No. 15. A bill, entitled "An act declaring a part of Salt creek a public highway," approved February 13, 1840.

No. 113. A joint resolution on the subject of school section number sixteen, township seventeen, range six.

No. 114. A bill to change the name of Ellen Loudenberger to that of Ellen Lomax.

No. 141. A bill in relation to roads and highways in Putnam county.

No. 148. A bill for the relief of John McIntire, Clarke M. Anthony, Joseph P. Glezen, and for other purposes.

No. 151. A joint resolution in relation to the claim of Francis Vigo, late a citizen of Knox county, Indiana.

No. 183. A bill transferring the duties of school commissioner, in Crawford county, to the county treasurer of said county.

No. 216. A bill for the relief of the volunteers of the State of Indiana.

No. 265. A bill to vacate certain streets and alleys in the town of Noblesville, in Hamilton county.

No. 283. A bill to legalize the qualification of sheriff of Wabash county.

A message from the Senate, by Mr. Jones, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills thereof as follows:

No. 14. A bill to enable executors and administrators to settle estates;

No. 37. A bill to create the 13th judicial circuit and to reorganize the 3d judicial circuit;

No. 141. A bill to vest the title to land in the heirs, devisees or assignees of the purchasers of lands in certain cases where said purchaser has died or shall hereafter die before the date of the patent or deed of conveyance;

No. 150. A bill to amend an act entitled "An act to authorize the removal of obstructions in Big and Little Blue rivers, in Shelby county;

No. 186. A bill to authorize the commissioners of the sinking fund to make settlement with Horace B. Smith;

No. 187. A bill to confirm a certain deed to the Methodist Episcopal Church of Greenfield, Hancock county;

No. 197. A bill to amend an act entitled "An act to incorporate the West Delphi bridge company.

In which the concurrence of the House is respectfully requested.

The bills in said message mentioned were each read a first time and ordered to a second reading.

A message from the Senate by Mr. Jones, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that they have passed bills of the Senate,

No. 47. A bill for the relief of Ellen Bigger, widow of Samuel Bigger, deceased;

No. 67. A bill to compel corporations to keep up bridges where, by their action, they obstruct State or county roads;

No. 75. A bill for the relief of Anthony Haskett;

No. 130. A bill to dissolve the bonds of matrimony existing between William Kerlin and Sarah Kerlin, of Wayne county;

No. 155. A bill for the relief of the prosecuting attorney of the 4th judicial circuit.

In which the concurrence of the House of Representatives is respectfully requested.

No. 147, in said message montioned, was read a first and second times, the rules being suspended, and referred to the committee on claims.

No. 130 was read a first time and rejected by the House.

Nos. 67, 155 and 75 were each read a first time and ordered to a second reading.

A message from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate has passed bills of the House,

No. 102. A bill forming all that portion of township 1 north, of range 10 west, which lies south of White river, in Gibson county, into a congressional township for school purposes;

No. 115. A bill to locate a State road in the counties of Grant and Richardville;

No. 139. A bill to establish a State road in the county of Dearborn;

With sundry amendments, in which the concurrence of the House of Representatives is respectfully requested.

No. 115 was read a second time and laid upon the table.

Nos. 102 and 139 were each read a second time and concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate have passed the following engrossed bill thereof:

No. 158. A bill relating to a settlement made by the agent of State with Leonard, Woodburn, and others;

In which the concurrence of the House is respectfully requested.

Said bill was read a first time and ordered to a second reading.

Mr. Tait made the following report:

Mr. Speaker:

The committee on enrolled bills have compared the following en-

rolled bills and joint resolutions with the engrossed and find them truly enrolled:

No. 159. An act authorizing the superintendent of the Wabash and Erie canal to settle with Gookins, Barnes, and Thomas;

No. 132. A joint resolution in relation to pre-emptors on the Miami reservation, in the State of Indiana;

No. 151. A joint resolution in relation to the claim of Francis Vigo, late a citizen of Knox county, Indiana;

No. 183. An act transferring the duties of school commissioner, in Crawford county, to the couny treasurer of said county;

No. 148. An act for the relief of John McIntire, Clark M. Anthony, Joseph C. Glezer, and for other purposes;

Whereupon the Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Hull, the petition of citizens of Jefferson county, in relation to certain matters therein named;

Which was referred to the committee on the judiciary.

By Mr. Decker, the petition of citizens of Pulaski and Cass counties, in relation to a certain State road therein named;

Which was referred to the committee on roads.

By Mr. Norton, the petition of citizens of Elkhart county to legalize the proceedings of the county board of said county;

Which was referred to a select committee consisting of Messrs. Norton, Suit and Nofsinger.

By Mr. Tait, the petition of Daniel Kelso and others, praying the passage of an act to change the name of New York to that of Florence;

Which was referred to a select committee consisting of Messrs. Tait, Cravens and Hamilton.

By Mr. Hill, the petition of citizens of Jennings county, praying a repeal of the black laws;

Which were referred to a select committee of which Mr. Yaryan is the chairman.

By Mr. Miller, the petition of Samuel Hall and other citizens of Gibson county, in relation to camp meetings;

Which was laid upon the table.

By Mr. Wolfe, the petition of Mrs. Jane Isabel, praying for a divorce;

Which was laid on the table.

By Mr. Neal, a petition of sundry citizens, praying an appropriation for the construction of a bridge over Eagle Creek, on the Michigan road, in Boone county;

Which was referred to the committee on roads.

By Mr. Edwards, the remonstrance of W. F. Krumbhaar and

others against the passage of an act relative to the circulation of small notes;

Which was referred to the committee on the State Bank.

Mr. Stanfield made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred bill of the House No. 272, to amend the provisions of chapter 37, section 70, part 3d, article 1, of the Revised Statutes of 1843, have had the same under consideration, and made two amendments thereto, and when so amended, recommend its passage.

Amendment 1st: Strike out section two.

2d. Insert the following section: This act to take effect and be in force from and after its passage.

Which amendments were concurred in, and the bill as amended, read a second time, and ordered to be engrossed for a third reading.

Mr. Porter made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred bill of the House No. 344, entitled "An act to authorize the formation of voluntary associations," have had the same under consideration, and have directed me to report the same back to the House, without amendment, and recommend its passage.

Said bill was read a second time and ordered to a third reading.

Mr. Norton made the following report:

MR. SPEAKER:

The committee to whom was referred a petition of certain citizens of Elkhart county on the subject of seminary and common school funds, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 347. An act to provide for the more speedy collection of seminary and common school funds;

Which was read a first time and ordered to a second reading.

Mr. Sleeth made the following report:

MR. SPEAKER:

The judiciary committee, to which was referred Senate bill No. 112, entitled "An act to legalize the transfer of certain canal land certificates" have had said bill under consideration, and directed me to

report the same back to the House without amendment, and recommend its passage.

Said bill was read a second time and ordered to a third reading.

Mr. Harvey made the following report:

Mr. Speaker:

The committee on the judiciary, to which was referred bill of the Senate No. 70, entitled "An act to provide for the punishment of seduction," have had the same under consideration, and instructed me to report the same back without amendment, and recommend its passage, and said committee ask to be discharged from the further consideration of the subject.

Said amendment was concurred in, when,

Mr. Cassatt offered the following amendment:

"Amend so as to fine without imprisonment, at the discretion of the jury;"

Which was,

On motion by Mr. Colms,

Laid on the table.

Mr. Palmer offered the following amendment:

Add in the proper place, "nor more than twelve months;"

Which was adopted.

Mr. Thompson offered the following amendment:

Provided, however, if the man marry the female there shall be no prosecution under this act;

Which was laid on the table.

Mr. Cassatt moved to lay the bill and amendments on the table;

Upon which motion,

Messrs. Neal and Secrest demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Carnahan, Cassatt, Crookshank, Decker, Ferguson, Fuller, Hamilton, Harding, Johnson, Mason, May, Miller, Porter, Scott, Shields, Smiley, Tebbs, Wise, and Woodruff—19.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Arnold, Brown, Balding, Carr of Clark, Carr of Lawrence, Clark, Colms, Cravens, Deam, Dole, Dowling, Edwards, Fry, Gilleece, Gordon, Griffis, Green, Hall of Posey, Hanna, Harvey, Hendricks, Hicks, Hill, Holland, Holman, Hostetter, Huddleson, Huff, Huffstetter, Hull, Hunt, Jones of Blackford, Jones of Greene, Julian, Lemmonds, Lewis, Logan, Lutz, McCormack, Meredith, Monk, Moore, Neal, Noel, Nofsinger,

Norton, Osborn, Palmer, Parker, Parks, Powell, Secrest, Sleeth, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tait, Thomas, Thompson, Walker, Watts, Wiley, Wilson, Wolfe, Young, and Mr. Speaker—72.

So said bill and amendments were not laid on the table.

Mr. Secrest moved the previous question;

Which was seconded by the House,

And the previous question being,

"Shall the main question now be put?"

It was decided in the affirmative.

And the main question being,

"Shall the amendments of the House to the bill be engrossed for a third reading?"

It was so ordered.

Mr. Sleeth made the following report:

MR. SPEAKER:

The judiciary committee, to which was referred bill of the House No. 277, entitled "A bill to amend the act regulating the proceedings under the writ of *ad quod damnum*," have had said bill under consideration, and directed me to report the same back without amendment, and recommend its passage.

Said bill was read a second time and ordered to a third reading.

Mr. Stanfield made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred House bill No. 270, "To afford a more efficient remedy in actions of trespass," have had the same under consideration, and made two amendments thereto, and when so amended recommend its passage.

1st amendment: Strike out the second section.

2. Insert "This act to take effect and be in force from and after its passage;"

Which said amendments were concurred in, and

Said bill as amended was read a second time and ordered to be engrossed for a third reading.

Mr. Nofsinger made the following report:

MR. SPEAKER:

The committee on education to whom were referred the House bills Nos. 252 and 276, with instructions to consolidate the two bills, have discharged said duty, and directed me to report the resulting

bill back to the House, and ask to be discharged from further consideration of said subject.

No. 348. A bill for the improvement of common schools in the State of Indiana;

Was read a second time and ordered to be engrossed for a third reading.

Mr. Powell made the following report:

MR. SPEAKER:

The committee to whom was referred the resolution of the House, inquiring into the expediency of passing a law to prevent the growth of Canada thistles, beg leave to report the same back, and ask its reference to a select committee, of which the gentleman from Laporte shall be chairman, and ask to be discharged from the further consideration of the subject as they are unacquainted with the plant referred to;

Which was concurred in.

Mr. Cassatt made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred bill No. 263, incorporating the White River Canal Company, have had the same under consideration, and directed me to report the same back to the House without amendment, and recommend its passage.

Said bill was read a second time and ordered to be engrossed for a third reading.

Mr. Harlan, a member of the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to which was referred the memorial of Margaret Wade of Lagrange county, have had the same under consideration, and are of opinion that the matters and things contained therein more appropriately belong to the judiciary committee. They, therefore, have directed me to report the same back to this House, and recommend that the same be referred to the judiciary committee, and ask to be discharged from the further consideration of the same;

Which was concurred in; and

Said memorial so referred.

Mr. Dobson made the following report:

MR. SPEAKER:

The select committee, to whom was referred the House bill No. 264, have had the same under consideration, and have directed me to report it back to the House with one amendment, and recommend its passage.

Strike out all after the enacting clause and insert the following, which is a new bill:

Said amendment was adopted, and

Said bill as amended was read a second time and ordered to be engrossed for a third reading.

Mr. Miller, from the select committee to whom was referred that part of the Governor's Message relating to the tariff, &c., made a counter report to that offered by Mr. Thompson, from the majority of the same committee;

Which was laid upon the table, and one thousand copies ordered to be printed.

Mr. Green made the following report:

MR. SPEAKER:

The select committee to whom was referred sundry petitions and remonstrances of the citizens of Washington, Harrison and Crawford counties, praying for the formation of a new county, have had the same under consideration, and directed me to report that, in consequence of the business now before the House, and the shortness of the time to dispose of the same, that, in the opinion of the committee, it would not be expedient to legislate upon that subject at the present session; they therefore recommend that the petitions be laid upon the table, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Parker made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Geo. P. Smith, have had that subject under consideration and directed me to report the following bill and recommend its passage, and your committee would ask to be discharged, &c.

No. 349. A bill for the relief of George P. Smith;

Was read a first time and ordered to a second reading.

Mr. Hanna made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of the Delphi Forwarding and Storage company, in the county of Carroll, praying that the side cut constructed by said company may be declared part of the Wabash and Erie canal, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 380. An act in relation to the side cut constructed by the Delphi Storage and Forwarding Company;

Was read a first time and ordered to a second reading.

Mr. Cravens made the following report:

MR. SPEAKER:

The select committee to whom was referred a resolution adopted by the General Assembly of the State of New Hampshire, in reference to a "*wise and equitable system of protection to all the great and important departments of our national industry*," and which was communicated to us through His Excellency, the Governor of the State of Indiana, have had the same under consideration, and have given the subject as much time as other engagements and the lateness of the session would permit, though not as much as its importance demands.

Your committee fully accord with the sentiments expressed in these resolutions of the State of New Hampshire. They believe that they lie at the foundation of all our prosperity, and without their adoption by the General Government as the line of duty, not only will we become impoverished at home, but fail to be respected abroad.

As connected with this subject it is with pride and satisfaction that your committee turn to the early history of the nation, and reflect upon the constant efforts made by our fathers for the support and encouragement among us of all those various employments and occupations of life which go to make up the elements of greatness and independence of every people. In our extensive line of seacoast, intersected with so many large rivers and capacious harbors, they saw the promise of our future greatness as a commercial people, and the productive soil, unbounded water power, and abundant mineral riches, lavished upon us with such an unsparing hand, all pointed to our destiny as a manufacturing people. And well did the keen-eyed statesmen of Great Britain who then ruled the destiny of these colonies understand that the slightest encouragement of these elements of greatness would soon make us independent of their assistance. Well did they know that no nation could become wealthy and independent by the pursuit of one occupation alone, and that none could call itself free that was dependent for essential supplies upon another country. Early, therefore, was the policy adopted

and unremittingly pursued by them that England should be the workshop for America, and that the rich products of our soil should reach a market only in the vessels of Great Britain.

Such was the contest between our fathers and their oppressors on these subjects. Long did they protest against the laws passed by the British Parliament to cripple our commerce, and retard the growth of the mechanic and manufacturing arts among us, and at last when forbearance ceased longer to be a virtue, they proclaimed themselves free. These were among the most important and prominent reasons why we cast off our allegiance to the British crown as shown in the declaration of independence. "He has," &c. The very first efforts of our government on the restoration of peace with the mother country were directed to these important subjects, and almost every administration since that time has pursued the same line of policy, and even at the present time, when most unfortunately for the country, its business interests are too much interfered with by party distinctions. Yet none of any side or any interest pretend to deny the absolute duty, as it is the interest of all concerned "*to afford a wise and equitable protection of all the great and important departments of our national industry.*" Various, indeed, are those interests, scattered over so vast an extent of country. Planting, agricultural, commercial, mechanical and manufacturing, each one dependent upon, connected with, and absolutely necessary to, the well-being—nay, the very existence of the other.

Your committee flatter themselves that, however persons or parties may disagree as to the extent of the protection necessary or proper to be afforded, or the manner in which it may constitutionally be applied, that to the propriety of the thing in itself, and to the extent asserted in these resolutions there will be a hearty assent. So far as they are able to understand the matter, and the position of parties in this country, the ground here assumed that "*in laying all impost duties and collecting its revenues,*" it is the duty of the Federal Government "*to afford such incidental protection to our various industrial pursuits as may be consistent with an economical administration of its affairs, and the condition of such interests may require,*" is common ground to all, and therefore they recommend the adoption of the resolutions here reported, embodying the sentiments here expressed, and which they hope and believe will meet with the entire assent and approbation of this General Assembly.

"A joint resolution in reference to the protection of American industry in all its various departments,"

Was read a first time and ordered to a second reading.

Mr. Dobson made the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No. 290,

and sundry petitions of citizens of Washington county, have had the same under consideration and directed me to report back said bill with one amendment, to-wit: add Washington county.

Which amendment was adopted.

And said bill, as amended, read a second time and ordered to be engrossed for a third reading.

Mr. Lewis made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of Clay county, praying the amendment of certain laws therein named, have had the same under consideration, and have directed me to report that the prayer of the petitioners have been granted by an act of this House embracing the subject, thereby superceding the necessity of further legislation on the subject, and ask to be discharged from the further consideration of the same.

Which report was concurred in.

Mr. Hunt made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of William Ingram and others, praying a change in the county line between Laporte and St. Joseph counties, have considered the subject, and a majority of said committee report that the petitioners are separated by impassable marshes from their county seat, compelling them to go fifteen or eighteen miles through bad roads; and that the proposed change of boundary would greatly advance the interests and convenience of the petitioners, by placing them in a county where most of their business is transacted, with a county seat much more convenient, without doing injury or injustice to any other citizens of either county. The majority of the committee therefore report the following bill, and recommend its passage:

No. 352. An act to change the line between the counties of Laporte and St. Joseph;

Was read a second time and,

On motion by Mr. Stanfield,

Was rejected by the House.

Mr. Moore made the following report:

MR. SPEAKER:

The select committee to whom was referred Senate bill, No. 68, with amendments, have had that matter under consideration, and

directed me to report the following amendments, and on their adoption, recommend its passage.

Said amendment, which is a new bill, was concurred in by the House, and the bill as amended, ordered to be engrossed for a third reading.

Mr. Crookshank made the following report:

Mr. Speaker:

The select joint committee to whom was referred a bill supplementary to an act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville, have had the same under consideration and directed me to report the same back with the following amendments, and ask to be discharged from the further consideration of the same.

A bill supplementary to "An act to provide for the Funded Debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," approved January 19th, 1846.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, And it is hereby declared, in virtue and exercise of the *option* reserved to the State by the thirty-second section of the said act, that the outstanding bonds of the State, shall be surrendered by the holders thereof, and a new issue made in exchange therefor, of two certificates to be respectively signed and sealed, and otherwise verified by or on behalf of the State, as provided in the second section of the said act. *Each* such certificate to be for an *equal moiety* of the principal money secured by the bond or bonds, for which the same shall be exchanged, and to bear interest at and after the rate of five per centum per annum, as provided by the thirty-second section of said act;—such interest to be computed from the first day of January, 1847; that one of such certificates, with interest thereon, as aforesaid, shall be paid by the State, out of the *revenues* thereof as provided in the said thirty-second section of the said act and shall be redeemable at the pleasure of the State, after twenty years, as provided in the first section of the same act—and the other of such certificates with interest thereon as aforesaid, shall be paid out of the canal lands and the tolls and revenues of the said canal, as also provided by the thirty-second section of the said act; and that such certificates, in the form mentioned in the schedule to this act, shall be issuable as provided in the second section of said act, as soon as this act shall take effect according to the provisions of the ninth section hereof.

Sec. 2. That certificates for arrears of interest in the form mentioned in the schedule to this act, computed from the first day of January, 1841, to the first day of January, 1847, on the respec-

tive moieties of the outstanding debt of the State hereinbefore mentioned or referred to, shall be issued at the same time above in this act mentioned, and shall constitute a special stock; that the amount of such of said certificates for interest as shall be chargeable on taxation as hereinbefore mentioned, shall be funded as of the first of January, 1853, and shall *bear interest* from that day, but not before, at and after the rate of two and a half per cent. per annum, payable semi-annually on the first day of July and the first day of January in every year, and the first half-yearly payment of such interest shall become due and be paid on the first day of July, 1853. That the amount of such of the said certificates for interest as shall be chargeable on the canal lands and the tolls and revenues of the said canal, shall likewise be funded as on and from the said first day of January, 1853, and shall bear interest as on and from that day, but not before, at and after the rate of five per cent. per annum, which interest shall also be paid semi-annually on the first day of July and the first day of January in every year, and the first half-yearly payment thereof shall become due and be paid on the first day of July, 1853, and new certificates bearing interest after the rate, and payable at the times lastly mentioned, shall be issued and delivered out by the said trustees, to the parties respectively entitled thereto, when the certificates for the principal shall be issued and delivered to such parties, as specified in the first section of this act.

Sec. 3. That the amount of interest to accrue from the first of January, 1847, to the first January, 1853, inclusive, on that moiety of the principal sum secured by each bond surrendered and exchanged as aforesaid, and which is to be paid out of the revenues of the State alone, and being at the rate of five per cent. per annum on such moiety, shall be paid by the State in the manner provided in the first section of the said act, that is to say, on the principal specified in such last mentioned certificate, the State shall and will pay interest at and after the rate of four per cent. per annum from the first day of January, 1847, which interest shall be paid semi-annually, namely, on the first day of July and the first day of January in every year, the first payment of such interest to be made on the first day of July, 1847, up to and inclusive of the first day of January, 1853; and the remaining one per cent. shall be added to and form part of the special stock, so called, and be put on the same footing; and at the time of the said semi-annual payment of the four per cent., and up to the said first day of Jannary, 1853, inclusive, a separate certificate shall be given for the said one per cent., (to make up the said five per cent. aforesaid), which certificate shall as near as may be, conform to that which by the second section of this act is required to be issued for the arrears of interest accruing between first January, 1841, and first January, 1847, and made payable in the same manner, and shall bear the same rate of interest, from and after first January, 1853; *or*, the aggregate amount

of said one per cent. from 1847 to 1853, may in the first instance be added to and included in the certificate to be issued for the arrears of interest accruing prior to first January, 1847, as, and when the said certificates shall be issuable, according to the second section of this act: *Provided*, That if the revenues of the State to be derived from the property tax and poll tax in the said first section of the said act mentioned, shall not be sufficient, by reason of the causes in the same section mentioned, to pay in full said interest of four per cent. per annum, then and in that case the State shall only be required to pay up to the said first day of January, 1853, such rate of interest as the par funds in her treasury, derived from the taxation aforesaid, shall enable her to do, which shall be paid and distributed pro rata on the principal specified in such last mentioned certificates of stock issued for the principal, and the deficit with six per cent. per annum from the time it became due, the State shall make up and pay to the holders of such last mentioned certificates on or by the first day of January, 1853; and from time to time, at each semi-annual payment up to 1853, shall give to the holders of said certificates a separate certificate for the amount of said deficit.

Sec. 4. That the amount of interest to accrue from the first of January, 1847, to the first of January, 1853, inclusive, on that moiety of the principal sum secured by each bond surrendered and exchanged as aforesaid, and which is to be paid by the trustees out of the canal lands and the tolls and revenues of the canal only, and being at the rate of five per cent. per annum on such moiety, shall be paid by the said trustees in the same manner provided in the tenth section of this present act: *Provided*, That if the proceeds of the said canal lands and the tolls and revenues of the said canal shall not (after defraying all needful expenditures and outlays for repairs, attendance, and other necessary things appertaining thereto, as in the thirteenth section of the said act is mentioned), be sufficient to pay in full the said interest which shall accrue from the said first day of January, 1847, to the said first day of January, 1853, inclusive, as provided in the said tenth section of this act, the deficiencies (if any) of said canal lands and tolls and revenues to discharge such interest as last aforesaid, shall on the said first day of January, 1853, be also converted into a special stock, bearing interest at the rate of five per cent. per annum, but shall only be payable out of the said canal lands and tolls and revenues of the said canal, and for which proper certificates of stock shall be issued from time to time as the deficiencies accrue.

Sec. 5. That payment of interest upon certificates chargeable upon the State, whether original certificates, or special stock, shall be made from time to time on such certificates only as shall have been registered with the Agent of the State at New York, (as directed by said act), during the half year prior to such interest becoming due.

Sec. 6. That bondholders who shall not subscribe before the first day of August, 1847, to the completion of said canal as hereinafter

mentioned, and shall not surrender their bonds in exchange for certificates before the first day of October, 1847, and who shall therefore be excluded from the right to become subscribers to the completion of said canal and works, shall nevertheless be entitled to receive a certificate for such amount of interest as shall have accrued, payable out of the State revenues due to such bondholders under the provisions of the said act and of this act, from the first day of January, 1847, to the half-yearly day of interest happening immediately *before* the day when they shall register their bonds as aforesaid, but *not* to any *money* payment in respect thereof, and the amount of interest represented by such last mentioned certificate, shall be funded together with the special stock, on the first January, 1853.

Sec. 7. That instead of the previous surrender and cancellation of the amount of bonds specified in the thirty-third section of the said act, the bondholders shall be, and they are hereby required, to surrender for cancellation, bonds to the amount of not less than four millions of dollars of principal, exclusive of interest thereon; and that the subscription for the completion of the said canal, instead of that now required by the sixth section of the said act, shall be twenty per cent. on the amount so to be surrendered and cancelled, unless the aggregate amount of said per centage shall exceed eight hundred thousand dollars, in which case the said per centage shall be proportionably reduced to the bondholders respectively, but so nevertheless that such last mentioned sum of eight hundred thousand dollars be fully subscribed, and further, that the time limited by the sixth section of the said act for subscriptions, shall be extended from the first January, 1847, to the first May, 1847, and that the time for such surrender and cancellation, and for the exchange of bonds for certificates, and for the registration thereof in the city of New York by the Agent of State, as directed by the second section of the said act shall be, and the same is hereby extended from the first day of January, 1847, to the first day of July, 1847: *And provided also*, That any other bondholder shall have the right at any time prior to the first day of August next, but not thereafter, to subscribe to the advance aforesaid upon the amount of bonds held by him, and on payment by him to the trustees, of his pro rata share of said subscription, together with interest from the first day of May, 1847, at the rate of six per cent. per annum, and on surrender and exchange of his bonds according to the provisions aforesaid, he shall thenceforth be placed on the same footing in all respects as the previous subscribers.

Sec. 8. That every bondholder who shall surrender any amount of bonds in exchange for certificates, and shall subscribe on such amount towards the completion of the said canal and works as aforesaid, and shall on or before the said first day of August, 1847, pay into the hands of the trustees for the time being, five per cent. on the amount of bonds so surrendered by such holders of certificates, as,

and by way of *deposit* thereon, and shall afterwards duly answer and pay any calls which may be thereafter made in respect of such subscription, under and by virtue of the ninth clause of the said act, shall have, and be entitled to, all the benefit of the priorities given, or intended to be given, by the said act, (as amended by this act,) to parties subscribing towards the completion of the said canal and works:

And it is hereby expressly declared, that from and after the said first day of August, 1847, no party whosoever, whether bondholder or not, shall have any right or claim to *subscribe* to the advance aforesaid, nor to pay up his pro rata, or any share of the said advance, nor otherwise to be placed on the same footing, as if he had originally subscribed thereto; anything in the fourteenth section or any other section of the said act, to the contrary notwithstanding.

Nevertheless, time shall be allowed to all parties subscribing and paying the aforesaid per centage or deposit on their respective subscription in manner, and within the period hereinbefore limited and appointed for that purpose, to deposit their bonds in exchange for certificates until the first day of October, 1847:

Provided, That nothing herein contained shall prevent, or be deemed or taken to prevent any bondholder, from availing himself after the said first day of August, 1847, of the benefit of the said act, so far as relates only to the surrender and exchange of his bonds for certificates as therein mentioned, but without any right of subscription, or any right to the priorities given by the said act, or by this act, to *subscribers*.

Sec. 9. That in lieu and stead of so much of the sixth and thirty-third sections of the said act as relates to the matters and things hereinafter next mentioned, it is hereby enacted, that this present act shall take effect and be in force as soon as an amount of bonds of not less than four millions of dollars shall have been subscribed for, and the five per cent. thereon, as hereinafter mentioned, actually paid in, and due notice thereof given to the Agent of State in New York. And it is hereby expressly declared that so soon as the Governor of said State shall be satisfied upon proper evidence, to be submitted to him, that the said amount of bonds have been surrendered for exchange and cancellation, and are in the hands of the Agent of State for that purpose, and that the said five per cent. has been paid over, he shall convey by deed, the Wabash and Erie Canal, and the lands and tolls, and all other the premises mentioned in the eighth section of the said act to the said trustees, as therein provided: *Provided*, *nevertheless*, That upon the subscription and payment as hereinbefore mentioned, being made, and satisfactory evidence thereof given to the Governor, he is hereby directed to authorize the said trustees to take charge of said canal and its appurtenances, with full authority to commence and direct all operations thereon, or in any wise connected therewith, as contemplated by this and the former act on this

subject. *Provided, further*, and it is hereby enacted that, unless holders of bonds to the amount of four millions of dollars, shall bona fide subscribe five per cent. on that amount, and pay such last mentioned per centage to the trustees as aforesaid, on or before the said 1st day of May, 1847; then and in that case the said former act, and this act, and every clause, proviso, matter, and thing therein and herein respectively contained, shall cease, determine, and be utterly void.

Sec. 10. That in lieu and stead of the scale of distribution and application of the produce of the said canal lands, (sold or unsold,) and of the tolls and revenues of the said canal, as in the eighth and thirteenth sections of the said act directed, the same shall be held and applied by the said trustees, in trust and security, for the uses and purposes following, that is to say:

First, In payment of the work, labor, and materials, or contracts, for the supply of work, labor, or materials, to be done and furnished in and about the further prosecution and construction of the said canal and works, as the moneys to be paid for the same shall, from time to time, become due and payable; but not by way of anticipation, and of all needful and proper expenditure for repairs, attendance, and other causes, save and except so far as regards the *existing* tolls and revenues of the said canal, which are hereinafter declared to be expressly appropriated for and towards payment of interest, at six per cent. per annum, on the sums to be subscribed, for the completion of the said canal and works, and which existing tolls and revenues are hereby declared to be excepted from the operation of this clause to that extent:

Secondly, In payment of interest, after the rate of six per cent. per annum, on the sums to be respectively advanced by the holders of certificates to the said trustees, from time to time, in aid of the completion of the said canal and works, and to be computed from the respective times of advancing and paying such principal sums respectively, such interest to be payable in the city of New York, by equal half yearly payments, on the first day of January, and the first day of July, in each and every year, the first half yearly payment to be made on the first day of January, 1848:

Thirdly, In payment in full of the principal sums advanced, or to be advanced by the holders of certificates subscribing as aforesaid, for and towards the completion of the said canal and works, and from time to time remaining due:

Fourthly, In payment in full to the subscribers making the said advances, or to their assignees, of interest, at and after the rate of five per cent. per annum, on the moiety of the principal of the bonds, which they may have surrendered and exchanged for certificates as aforesaid, such interest being, to be computed from the said first day of January, 1847:

Fifthly, In payment in full to the subscribers making such advances or their assigns, of the principal of the special stock to be

issued to cover the arrears of interest due and accruing from the 1st day of January, 1841, to the 1st day of January, 1847, as fast as the same can be done, with interest on the same, at and after the rate of five per cent. per annum, to be computed from the 1st day of January, 1853:

Sixthly, In payment in full to the subscribers making the said advances, or to their assigns, of the principal moneys secured by each such certificate, so charged over against the canal lands, and tolls and revenues of the said canal:

Seventhly, In payment in full to the other holders of any certificates of stock by the said act directed to be issued and charged as aforesaid, (such holder not being a subscriber to the said advance,) or their assigns, of interest at and after the rate of five per cent. per annum, on the amount of the principal thereof.

Eighthly, In payment in full, to the holders of certificates of special stock to be issued and charged as aforesaid, (such holders not being subcrsibers to the said advance,) or their assigns, of the principal of such special stock, with interest on the same, at and after the rate of five per cent. per annum, to be computed from the said 1st day of January, 1853:

Ninthly, In payment in full to the holders of such last mentioned certificates, (not being subscribers,) or their assigns, of the amount of the principal thereof respectively:

Tenthly, To pay into the Treasury of the State, any surplus or balance which may remain in the hands of the said trustees, after making the several payments in the nine preceding classes mentioned; and, it is hereby declared, that such sums shall from time to time be paid and applied as soon as conveniently may be after the receipt thereof: saving the just rights of the holders of bonds now outstanding and known as the Wabash and Erie canal bonds, as provided for in the eighth section of said act:

And provided, That all payments of principal and interest to be made under or by virtue of this act, or the said recited act, amongst the said several classes of subscribers or holders of certificates (as the case may be) shall be made pro rata amongst the subscribers and holders of certificates in each such class, in the order and priority of payment given or intended to be given to each such class respectively, as aforesaid, first paying, in full, those first entitled, and so on, toties quoties.

Sec. 11. That so soon as conveniently may be after the passing of this present act, two trustees, qualified by citizenship and residence as in said seventh section of the said recited act is provided, shall be elected by a *majority in number and value* of the *subscribers* towards the completion of the said canal, who shall have given notice in writing of their subscriptions to the agent of the State in the city of New York, or if no agent at New York, then to the Governor of Indiana, as mentioned in the ninth section of this act, such subscribers being present personally or by agent duly authorized by

proxy at some meeting to be convened and holden in New York for that purpose, by and on the part of such subscribers, of which not less than one calendar month's previous notice, stating the object, and time, and place of such meeting, shall be thrice inserted in the London Gazette and "Times" newspapers, and in two of the principal New York daily journals, and the resolutions to be signed by the chairman presiding at such meeting of subscribers, shall be a sufficient warrant and authority for the election of the two persons to be then and there elected as trustees, for and on behalf of the said subscribers, and such election shall therefore be deemed, taken, and acknowledged to be a good and valid election of such two trustees, and that such election was duly made under and in compliance with the provisions of the said recited act: *And it is hereby further enacted*, That no such election to be made as last aforesaid shall be or become void or voidable by reason of any technical informality in the proceedings, or of any verbal defects or clerical errors, or by reason of the omission of notarial legalization, in or to any power or powers of attorney or other instrument or instruments of substitution to be made or executed by any subscriber or subscribers, bona fide to enable his, her, or their representatives to vote on his, her, or their behalf at such election of trustees as aforesaid, and produced at such meeting for that purpose, nor shall such election be or become voidable by reason of any omission to hold the proceedings herein enacted, in public or before any judge, magistrate, or other judicial officer, or to record the same in any court of law or equity, or other tribunal or place of justice, (any law, usage or custom to the contrary thereof in any wise notwithstanding:)

Provided, nevertheless, That each of the said trustees shall, after such their and his election as aforesaid, and before entering on his and their duties, take the oath or affirmation for the faithful and impartial discharge thereof, and give the bond to the State with security to be approved by the Governor, or the proper discharge of his and their duties as is mentioned and provided in the tenth section of the said recited act: *Provided, also*, That a duplicate of said resolutions to be signed by said chairman, and by him duly acknowledged before the mayor and recorder of the city of New York, or before any judge of any court of record in said city, or any commissioner resident in said city duly authorized to take the acknowledgment of deeds to be recorded in the State of Indiana, shall be by said chairman forwarded by mail, addressed to the Governor of the State of Indiana, which shall be filed by him in the office of the Secretary of State.

Sec. 12. And Whereas, it is enacted by the said 7th section of the said recited act, that such trustees shall "hold their offices for the term of three years from the time of their said election and appointment and until others are elected or appointed in their places:" And whereas, by the twelfth section of the said act, it is declared (amongst other things) that "whenever any vacancy shall occur in

the board of trustees by death, resignation, or other causes, such vacancy shall be filled up by the General Assembly, or by the subscribers aforesaid, or their assignees, to whom belonged the election of the trustee, whose seat shall become vacant, as the case may be," but no provision is made in the said act, for the manner and form in which such vacancy shall be supplied: AND WHEREAS, by the twenty-seventh section of said act it is (amongst other things) declared that "should either of the said trustees embezzle or fraudulently convert to his own use, or secrete with intent so to convert to his own use, any of the funds, choses in action, securities or effects, which may come to his hands or possession, under or by virtue of the trusts created by the said recited act, the trustee so offending shall be deemed to have committed the crime of grand larceny, and upon conviction thereof, shall suffer the punishment prescribed for that offence," as in the said recited act more particularly mentioned; but no provision is made in the said act for the discharge or removal of such offender.

Now therefore, be it enacted, that in case of the death, resignation, refusal to act, permanent absence, or bodily or mental infirmity, of any or either of the said trustees, whereby such trustee shall be rendered incapable of fulfilling the duties of the said trust, according to the true intent and meaning of the said act; or in case any or either of the said trustees shall embezzle, or fraudulently convert to his own use, or secrete with that intention, any property which may come to his hands or possession, by virtue of the trust aforesaid, whether such events shall happen during the said first three years of the said trust, or at any time afterwards during the continuance of the said trust; then, and in every such case, the place of the trustee so dying, resigning, refusing to act, becoming permanently absent, or incapacitated, or embezzling, or fraudulently converting to his own use, or secreting with that intention, any of the trusts, property as aforesaid, shall be deemed and be taken to have become and be absolutely vacated, and immediately thereupon such vacancy shall, as to the trustee to be named by the State, be filled up by the General Assembly, if in session, or if in the recess, then by the Governor, as directed by the said twelfth clause of the said act; and such vacancy or vacancies as to the two trustees, or either of them, to be elected by the said subscribers, in the manner hereinbefore and in the said recited act mentioned, shall be filled up in like manner by the subscribers; and such new trustee or trustees, when named by the State as aforesaid, or elected by the said subscribers as aforesaid, as the case may be, shall immediately upon such election or appointment, and after taking the oath or affirmation, and giving the bond with security, as directed in said tenth section of the said act, stand and be possessed of and invested with the same powers and authorities in all respects as if they or he had originally been elected or appointed trustee or trustees for the purposes of the said act: *Provided, also*, and it is hereby expressly

enacted and declared, that when either or both of the trustees to be elected by the *subscribers* towards the completion of the said canal, and its works, as in the eleventh section of this present act mentioned, shall, at any time whatever, misconduct himself or themselves in his or their office, or shall become bankrupt or insolvent, or make or offer any compromise with his or their creditors, then and in every such case, it shall be lawful for a majority of such subscribers in number and value present personally, or by agent duly authorized by proxy, at any meeting to be convened and holden in New York for that purpose, by and on the part of such subscribers, of which one month's previous notice shall have been given, by or on the part of said subscribers, in manner in the said eleventh section of this act provided, or as near thereto as circumstances will permit, and full power and authority is hereby given to said subscribers for that purpose, forthwith to remove such trustee or trustees from his or their office of trustee, and at the same meeting to elect one or more trustee or trustees in the place and stead of such trustee or trustees to be so removed as aforesaid, as in the twelfth section of this act mentioned, and the resolutions to be signed by the chairman presiding at such meeting of subscribers, shall be a sufficient warrant and authority for the removal of such first mentioned trustee or trustees, and the election of one or more new trustee or trustees in his or their place or stead, for and on behalf of the said subscribers, and such removal or removals, and election or elections respectively, shall be deemed, taken, and acknowledged, to be good at law and in equity (anything hereinbefore or in the said recited act to the contrary notwithstanding.) And it is hereby further declared, that such new trustee or trustees when so elected as hereinbefore mentioned, shall immediately upon such election, and after taking the oath or affirmation, and giving the bond and security as directed by the said tenth section of the said recited act, stand and be possessed of and invested with the same powers and authorities in all cases as if he or they had been originally elected or appointed trustee or trustees, for the purposes of the said act.

Provided, also, That the said trustees, and each and every of them, shall be, and they are hereby expressly prohibited from taking or being directly or indirectly interested in any job, work or contract, let or to be let on said canal, or being in any way connected therewith during the time of his or their continuance in office.

Sec. 13. That in order to the greater security of the State and also of the subscribers, and with the view to induce greater confidence in the latter: *Be it enacted,* That all sums of money which shall be received by the trustees, or any of them, or which shall come to their hands or possession during the continuance, and in virtue of the said trust, shall (after retaining so much thereof only as shall be required for the payment of workmen and laborers and other current and necessary expenses of the said trust) be forthwith deposited by them in some safe bank or banks in the city of

New York aforesaid, to be there placed to an account to be entitled "the account of the board of trustees of the Wabash and Erie Canal," and all drafts and orders for the payment of any sum or sums of money to be drawn by the said trustees on the said bank or banks, shall be signed by a majority of the said trustees.

Sec. 14. And whereas, by the fourth section of the said recited act, it is enacted "that the stock created pursuant to the said act, is to be transferable only in the city of New York, in books to be provided for that purpose by the State," in the manner in the said fourth section more particularly mentioned; and by the fifth section of said act, it is enacted "that the interest on the stock thereby created shall be payable half yearly, at the city of New York" on the days and times therein mentioned: And whereas, it is ascertained that a very considerable portion of the bonds of the State are held by foreigners, otherwise unconnected with the United States, domiciled in other countries and subject to other laws: And whereas, doubts have been suggested on the part of some such last mentioned persons in respect of the matters hereinafter next mentioned or referred to, which doubts may operate prejudicially to the operations contemplated by the said recited act, and it is therefore expedient that the same be removed: Now, to demonstrate the good faith of the State of Indiana, and for the removal of all such doubts as aforesaid, and with the view to create general confidence in the arrangement made in the said recited act, by the State, for the liquidation of its debt: *Be it enacted*, That the tolls, revenues, and profits of the said canal and its appurtenances, present and future, and the moneys to arise and be collected by and from the sales of the lands and premises contiguous thereto, and in the said act more particularly mentioned and described, and the personal taxes to be levied towards payment of the said debt, as in the said act also mentioned, and the receipt and application thereof for that purpose, as in the same act is also provided, shall remain and be inviolate and in full force, and the payment of the principal moneys and interest on the certificates and stock intended to be created pursuant to the said act, and this act, and all certificates and evidences of title thereof respectively, shall be and continue effectual and inviolate by the means aforesaid, until the objects and purposes of the said act and this present act shall be fully accomplished. And for the reasons aforesaid: *Be it further enacted*, That if a foreigner be the holder of any such certificates or stock, or otherwise beneficially entitled thereto, the same shall pass to his representatives, on his decease, of whatever nation he may be, in the order of succession established by the law of the country of which such foreigner was a subject at the time of his decease, and shall not be liable to the payment of any fees or charges on the part of any of the authorities of said State, by reason of such decease, or by reason of the transfer, descent, or distribution of any such stock or certificates, thereby occasioned,—and for the reasons

and with the view to induce such confidence as aforesaid: *Be it further enacted*, That all stock to be created, and all certificates and other instruments of title to be issued in pursuance of the said act, and all principal moneys and interest thereby respectively secured, shall not be molested or impaired, arrested or attached by the State of Indiana.

Sec. 15. And whereas, by the eighth section of the said act, it is declared that "if the State at any time thereafter becomes the holder of any of the said stock, she may at her election deem it to be extinguished, or she may regard it as still outstanding and be entitled to receive and draw upon it whatever of interest the tolls and revenues of said canal may pay upon it: And Whereas, any re-issue of such stock or of the certificates to be issued in pursuance of the said recited act or this act, will prejudicially affect the value of the residue thereof which shall be outstanding in the hands of the public, and also deter bondholders from becoming subscribers to the said intended advance on or before the first day of May, 1847, as is provided in the second section of this act: *Be it enacted*, That whenever the State shall become the holder of any of the said bonds, certificates, or special stock, shall not be re-issued on any account whatever, and the particulars in writing of all such last mentioned stock and the numbers, dates, and amounts of all such last mentioned bonds, certificates, or special stock, shall from time to time be rendered by some competent officer of the said State to the trustees, for the guidance and information of the latter: *Provided, nevertheless*, that in other respects the same shall stand upon the same footing as if held by individuals; and the said State shall be entitled to receive and draw upon such of the said bonds or certificates, or special stock, as shall be chargeable on the tolls and revenues of the said canal, whatever the tolls and revenues of the said canal may pay upon it or them from time to time, by way of interest or otherwise, as in the said eighth section of the said act is mentioned.

Sec. 16. And Whereas, by the ninth section of said act, it is (amongst other things) enacted, "that before the deed of trust therein provided to be given shall be delivered to the said trustees, the said subscribers to the said advance shall pay over to the said trustees a certain per centage on the amount of their said subscriptions, and thereafter from time to time as further sums shall be needed for the prosecution of the said canal, they shall, on the requisition of the said trustees, pay over to them such sum or sums as they may call for, not exceeding, however, at any one time, five per cent. on the entire subscription; and if the said subscribers for the space of ninety days after any such call by said trustees, shall fail to pay the sum or sums so required, they shall forfeit all the sums previously advanced, and also all the priority and preference which by said act is given them:" And Whereas, justice requires that all subscribers to said advance shall have reasonable notice of such calls in the said act mentioned, especially those who are not residents within the

United States, previously to incurring the forfeiture in the said act also mentioned: And Whereas, doubts may arise as to the legal effects of such forfeitures, and it is expedient to remove the same:

Now therefore be it enacted, That whenever any call or calls shall be made by the said trustees in pursuance of the said act, the said trustees shall cause notice thereof to be thrice inserted in the London Gazette and "Times" newspapers, and in two of the principal New York daily journals, stating the amounts of such call and the time and place to be appointed for payment thereof, and it is hereby declared that the said ninety days at the expiration of which such forfeiture is to be incurred, in default of payment as in the said act mentioned, shall commence and be computed from the date of the London Gazette in which the third of such advertisements shall be inserted, and not before, anything in the said act to the contrary notwithstanding. And in order to remove the doubts hereinbefore mentioned as to the effect of such calls, and any forfeiture to accrue in respect thereof as aforesaid.

Be it enacted, That in case of each such call so to be made and advertised as aforesaid, time shall be deemed to be of the essence of the contract, and the defaulting party shall forfeit all sums previously advanced by him as in the said act mentioned, and also all the priority and preference therein also mentioned, and all contract, claim, right or demand, (if any) in respect of the subscription in the said ninth section of the said act mentioned, shall as between the said State of Indiana and such defaulting party, and as between the said trustees for the time being, and the said party, thereupon cease, be at an end, and absolutely determined.

Sec. 17. And Whereas, by the sixth section of the said recited act, it is (amongst other things) required, that such sums of money shall be subscribed as shall "insure the completion of the said canal to Evansville, and all necessary side-cuts, feeders, feeder-dams, reservoirs, and all side-cuts which may be hereafter particularly mentioned, within four years from the taking effect of this act: And Whereas, by the said ninth section of the said recited act, it is (amongst other things) enacted, that if by the failure of the said subscribers to make said advances thereinbefore mentioned, the said trustees shall not be able to effect the completion of the said canal within the period thereinbefore mentioned, then, and in that case, the lands and property thereby granted to the said trustees, shall revert back to, and become again the property of the State." And Whereas, it may happen that the said trustees may not be able to effect the completion of the said canal within the period so limited as aforesaid, without any default of the said subscribers, but by reason of natural or local causes or calamities, beyond the control of the said trustees, or the misfeasance, absence, or incapacity of any officer to be appointed by the State, it is expedient that just and reasonable allowance should be made for the same as hereinafter next mentioned:

Now therefore be it enacted, That in case the completion of the said canal, or any of the works belonging thereto, or connected therewith, shall at any time be obstructed, retarded, injured, damaged, or destroyed, by storm, tempest, hurricane, inundation, fire, civil or military commotion, foreign invasion, or other unavoidable accident, or by the misfeasance, illness, incapacity, absence, voluntary or involuntary negligence, or other acts of omission or commission, on the part of any officer to be named and appointed by the State in pursuance of the said act; then, and in every such case, all just and due allowances shall be made for the same, and the time during which such works shall be suspended, or which shall be necessarily occupied in the restoration or repair thereof from the causes aforesaid, or any of them, shall be omitted out of the computation of the said period of four years limited by the said act for the completion of the said canal; anything in the said act to the contrary notwithstanding.

Sec. 18. And Whereas, By the tenth section of the said recited act, it is (among other things) enacted, that the said trustees "shall keep a record of all their doings and proceedings, which shall at all times be open to the inspection of the public authorities of the said State:" And Whereas, It is enacted by the same section, "that the said trustees shall keep a full, just, and true account of all moneys by them received for, or by reason of, their said trust, and of their disbursements of the same, and shall annually report to the legislature the general condition of the said canal and canal lands, and exhibit a full account of their receipts and disbursements," as in the said recited act is more particularly mentioned: And Whereas, It is just and right that the said subscribers should also be kept advised of the doings and proceedings of the said trustees, and of the general condition of the said canal and canal lands, and of the sales of such lands, and the general receipts and disbursements of the said trustees: *Be it enacted*, That the record so to be kept by them, the said trustees, as in the said tenth section of the said act mentioned, shall be open to the inspection also, at all convenient times, of the subscribers and bondholders, and their agents duly authorized, and that, in addition to the annual report by the said tenth section of the said act directed to be made by the said trustees to the Legislature, the said trustees shall at the end of each and every half year during the continuance of the said trust, prepare and transmit to the subscribers for the time being, by circular letter, or otherwise, (so far as their respective names and places of abode can be ascertained from the transfer books to be provided by the State and kept in the city of New York, as aforesaid,) a full, just, and true account of all moneys received by them, for, or by reason of their said trust, and of their disbursements of the same moneys, together with the balances on hand and places where deposited, and of all sales of canal lands, and tolls and revenues received, and of all other their receipts and disbursements during the half year then last

past, with all such other and further particulars relative to the said trust and the operations thereof, and to the said canal and canal lands, as shall enable the subscribers and bondholders for the time being, to understand the state and prospects of the said undertaking.

Sec. 19. And Whereas, In further pursuance of the power reserved by the said twentieth section of the said recited act, and in order to enable the said trustees to carry into more full effect the fair and obvious meaning of the said act, and the additions and modifications thereto introduced by this present act: *Be it enacted*, That the several additional amendments, contained in this act, and hereinafter next mentioned, shall be accepted and adopted as part of the said recited act, and shall have the like full force and effect in all respects as if the same had been originally enacted by the said recited act, and had formed part thereof, that is to say:

Amendment A. That in the ninth section of the said recited act, between the word "*execution*," and the words "*of the deed*," there be introduced the words "*and delivery*," so that the said section as amended, shall stand "*execution and delivery*."

Amendment B. That in the twelfth section of the said recited act, after the words "*and shall assume the payment of*," and before the word "*interest*," there shall be introduced the words "*principal and*," so that the said section as amended may stand thus, "*and shall assume the payment of principal and interest*."

Amendment C. That at the end of the fifteenth section of the said recited act, and after the words "*altered or amended by the said board*," there be introduced the words, "provided that such rules or regulations, or any of them, *be not at variance with, or repugnant to the manner and form of election*, reserved to subscribers by the eleventh section of an act, entitled 'an act supplementary to an act to provide for the funded debt of Indiana, and for the completion of the Wabash and Erie Canal to Evansville,' meaning, and thereby intending, this present act."

Amendment D. That at the end of the eighteenth section of the said act, and after the words "tariff of tolls on similar works," there be introduced the words "provided that no such tolls be at any time reduced in amount by the State, below the *average* tolls from time to time paid or payable by the public on any other public canal, in the States of Ohio, Illinois and Pennsylvania.

Amendment E. That in the twenty-second section of the said recited act, after the words "*and shall be subject to be removed by the Governor during the vacation of the Legislature, or by the General Assembly when in session*," and before the words, "*the said engineer before entering on his duties*," there be introduced the words "*or in case of the absence of the Governor, or in case of urgent necessity, and to prevent immediate damage* to the said canal or works, *then by the trustees for the time being*, or a majority of them."

Amendment F. That at the end of the twenty-fourth section of the said recited act, and after the words "*and applied accordingly*,"

there be introduced the words, "and the trustees for the time being may prosecute and sue accordingly; and no plea or other technical objection, in bar or abatement, shall be taken or judicially allowed, so as to defeat such prosecution or action, or other proceeding, on the ground of any misnomer, misdescription of the premises or parties, or want of interest in the prosecutor or plaintiff, as the case may be."

AMENDMENT G. That at the end of the twenty-seventh section of the said recited act, and after the words "*of the Revised Statutes of* 1843," there shall be introduced the following words: "And such offender shall immediately, on reasonable evidence taken on oath, of such offence having been committed, and without waiting for any legal or other formal conviction, be, and be deemed and taken to be, *absolutely dismissed* and displaced from whatever situation he may then hold, and his situation declared vacant, without any particular form or ceremony whatever, and another and competent person shall be elected in his place and stead, in the same manner in which such offender was originally elected, or as near thereto as circumstances will permit, and by the party or parties by whom he was so originally elected, whether by the Governor, the General Assembly, the trustees, or the subscribers."

AMENDMENT H. That in the thirty-second section of the said act, after the words "*in the same manner as if this section were not adopted*," and before the words "and provided further," there be introduced the words "*notifying in writing* to the trustees for the subscribers for their guidance and information, the numbers, dates, and amounts of the certificates so redeemed, in the same manner as in the fifteenth section of the said amended act (meaning this present act) is provided."

AMENDMENT J. That the thirty-fifth section of the said act be and is hereby amended, in so far that the State shall fix the salary of the trustee to be named by the State, and the *subscribers*, or the majority in number and value, (whose consent shall be ascertained in the manner mentioned in the eleventh section of this act), shall fix the salaries of the two trustees representing the subscribers.

AMENDMENT K. That instead of section four in the said act, the following section be adopted in lieu thereof: Sec. 4. The stock created pursuant to this act shall be transferable only in the city of New York, in books to be provided for that purpose by the State, by the holder or holders thereof, or his, her or their assignees or duly constituted attorney, in pursuance of such rules as may be adopted by the agent of State, or may be prescribed by law; but no transfer shall at any time be permitted, except on the surrender and cancelment of the outstanding certificates: *Provided*, however, that possession of a certificate of stock, with an endorsement thereof on the back, to the possessor, purporting to be by the holder under his hand, attested by two witnesses, shall be deemed a sufficient power of attorney in all cases to authorize and warrant the agent of State

to transfer on the books, in the name of such holder, such stock to such possessor; and the agent of State shall at all times be deemed the agent of the parties for making the transfers, under such circumstances, and no rule of transfer shall be adopted by the agent of State, or prescribed by law, incompatible herewith. *Provided further*, however, that the State shall in no case be held responsible for the genuineness of such endorsement or attestation; but the fact that an endorsement is made on such certificate, attested as aforesaid, accompanied with actual possession of such certificate, shall be sufficient evidence of right, and shall be a sufficient warrant to said agent of State for and in the name of the holder of such stock, to transfer the same to the possessor of such certificate, on the surrender and cancellation of the same.

Amendment L. That the twenty-fifth section of the said act be amended by adding after the words "*final payment*," the words "of any instalment of purchase money," so as to extend the time of payment of such instalment for the term of five years.

Amendment M. That in the thirtieth section of the said act, after the word "*State*," and before the words "for the transaction," there shall be introduced the words "and also an office."

Amendment N. At the end of the 34th section of the said act, add the following: "And the said trustees shall further be required to construct and keep in repair such lock or locks at the dam erected across the west fork of White River, as may be necessary to the unobstructed and safe navigation of said river."

Amendment O. In the 8th section of the original act after the word "extensions" and before the word "finished," add the words "by whatever other name the same may be now designated."

Sec. 20. That in order to facilitate the surrender and exchange of bonds for certificates, as regards bondholders resident in Great Britain or on the continent of Europe, and to avoid the risk of transmission across the ocean, it is hereby enacted that the agent of State shall have power and he is hereby authorized to appoint some suitable person or persons in London to receive from subscribers and other bondholders such bonds as they may respectively desire to exchange for certificates under the provisions of the said recited act and of this act, and such person or persons when so appointed, shall be authorized to receive all such bonds as may be tendered to him or them in London, for surrender or exchange as aforesaid, and shall forthwith deposit the same in the Bank of England for interim custody, and shall thereupon transmit for account of the holders of the said bonds, on such deposit being made as aforesaid, a certificate in writing to that effect to the agent of State aforesaid, who shall immediately on the receipt thereof, transmit to such person or persons, so by him appointed as aforesaid in London, for the use of such party or parties by whom such bonds shall have been deposited, certificates, according to the form and effect prescribed by the said act and this act, in exchange for such bonds so surren-

dered and deposited as aforesaid, and such last mentioned bonds shall thereupon be cancelled in the presence of a Notary Public, and shall be forwarded, when so cancelled, to the Agent of State; and such bonds shall thereupon be utterly void and of no effect: *Provided, nevertheless,* That all parties availing themselves of the privilege of making such deposit in London as hereinbefore mentioned, and who shall desire to become subscribers on the terms herein mentioned, shall, at the time of making such deposit aforesaid, pay into the hands of such person or persons so appointed by the said agent of State as aforesaid, in London, five per centum on the amount of such bonds so by them surrendered respectively, in part of their subscriptions towards the completion of the said canal; which moneys, when so paid, shall be forthwith remitted, at the expense and risk of such subscriber, by said person or persons in London, to the said trustees in New York, and be there placed to the credit of the said trust account: *And provided, further,* That the expense of such agency shall not exceed the sum of five hundred dollars, to be paid by the said trustees out of the canal fund.

Sec. 21. And whereas, by the sixth and ninth sections of the said recited act it is enacted that if by reason of the failure of the said subscribers to make the advances therein mentioned, the said trustees shall not be able to effect the completion of the said canal within the period thereinbefore mentioned, namely, the period of four years from the taking effect of the *said act*, and *doubts* may arise as to the construction of the said sixth and ninth sections of the said act by reason of the modifications and alterations as to the said intended advances, contained in this act:

And whereas, it may happen from unforeseen events that ,notwithstanding the bona fide payment and expenditure of the said sum of eight hundred thousand dollars, according to the provisions of this present act, the said canal and its works and extensions may not be completed within the said term of four years, and justice requires that the said subscribers shall have reasonable opportunity to complete the same: *Be it enacted,* That if at the expiration of four years, to be computed from the date at which the said deed of trust shall be executed and delivered by the said Governor to the said trustees as in this act mentioned, the said sum of eight hundred thousand dollars so to be subscribed as herein mentioned, shall have been expended by the said trustees in and towards the completion of the said canal and its works and extensions, but the said canal shall not, from any cause whatever, have been completed, then and in such case it shall be lawful for a majority of the subscribers for the time being in number and value personally present, or by agent duly authorized by proxy at any meeting to be convened and holden in New York for that purpose within the last three months of the last year of the said term of four years, to be computed as aforesaid, by and on the part of such subscribers, of which one month's previous notice shall have been given by or on the part of the said

subscribers in manner in the eleventh section of this act provided, or as near thereto as circumstances will permit, and full power and authority is hereby given to the said subscribers for that purpose, to raise and levy a further sum not exceeding five hundred thousand dollars (over and above the said sum of eight hundred thousand dollars to be originally subscribed as herein mentioned,) to be payable at such times and by such instalments as shall be agreed on at such last mentioned meeting; and the resolutions to be signed by the chairman presiding at such meeting of subscribers, shall be binding and conclusive on all the subcribers for the time being, whether present or not.

And it is hereby further enacted, That on a copy of such resolutions signed by the said chairman being transmitted to the said Governor of Indiana, for the time being, and on a subscription to the amount of five pounds per cent. on the said sum of five hundred thousand dollars or so much as shall be agreed on at such meeting to be subscribed as aforesaid, being paid to the said trustees, the said term of four years in the said recited act mentioned for the completion of the said canal, shall be, and the same is hereby declared to be, extended to and for the further period of *two* years, to be computed from the expiration of the said term of four years hereinbefore mentioned, making in all the term of six full years from the taking effect of the said act. And the trustees for the time being, acting in the execution of the said trust are required and it is hereby made imperative on them to issue such and so many new certificates or debentures as shall cover the said sum of five hundred thousand dollars, or so much thereof as it shall be agreed at said meeting to be held as aforesaid to raise, for the purpose of completing the said canal and its works and extensions, such new certificates or debentures to be made payable to bearer, and to be signed and verified by the agent of the State of Indiana, in the manner mentioned in the second section of the said recited act, or as near thereto as circumstances will permit, and at any rate of interest not exceeding six per centum per annum on the principal sums so to be raised as aforesaid; and it is hereby declared that such last mentioned sums, and the certificates or debentures representing the same, shall be chargeable only on such of the canal lands as are included in the grant made by the general government, by the act entitled "An act to grant certain lands to the State of Indiana, the better to enable the said State to extend and complete the Wabash and Erie canal from Terre Haute to the Ohio river," approved March, 1845, and in the said recited act more particularly mentioned, or on such parts of the said lands as shall then be unsold and undisposed of, and on the proceeds thereof, when sold, from time to time respectively. And the said trustees are hereby expressly authorized and required to pay to the holders or proprietors of such new certificates or debentures such amount of *interest* thereon, at such rates (not exceeding the rates aforesaid,) and at

such times as the same shall purport to bear and be payable, and also the principal moneys secured thereby at such time or times as the same shall by the said new certificates be made payable, but not by way of priority or precedence over the payment of any interest or principal moneys, with the payment of which the said lands or any of them or the proceeds thereof, when sold, shall have been respectively charged to or in favor of any other perons whomsoever, upon or in respect of any other certificates issued or to be issued or stock created or to be created by the said recited act and this act or either of them respectively.

Sec. 22. The debt which it is the object of the trust created by the said recited act (as amended by this act) to liquidate as in the said act is mentioned, having been contracted under the authority of the State of Indiana and for the service of the people of that State, and it being desirable, as well for the credit of the State, as also in order to establish confidence in the public in general, and the subscribers in particular, to secure the utmost punctuality in the fulfilment of the objects of the said trust, it is hereby declared that the tolls and revenues of the said canal, present and future, and the lands and lots so conveyed or intended to be conveyed as hereinbefore mentioned, and the proceeds thereof, when sold, shall be, and the same are hereby specially pledged to form a distinct and particular fund for the redemption of the stock and certificates, to be issued in pursuance of the said recited act and of this act, and the said State shall not direct or permit any appropriation to be made of such tolls and revenues, lands and proceeds, or any of them, for the general purposes of the State or otherwise howsoever, other than and except for the purposes of the said trust, as directed by the said act (as amended by this act) until the said stock and certificates and all interest thereon shall have been fully paid and satisfied.

Sec. 23. The lands selected for the completion of the Wabash and Erie canal west of Tippecanoe, shall be re-appraised in manner following: The trustees elected or appointed by this act shall select and appoint one discreet citizen of this State, and the Governor shall also select and appoint one of like qualifications, and the two thus selected and appointed shall choose one other person of like qualifications, who shall constitute a board of appraisers, who, or a majority of whom, shall be authorized to re-appraise said lands, which appraisers shall be so selected or appointed on or before the first day of —— next; and before such appraisers shall enter upon the discharge of their duties they shall each take and subscribe an oath or affirmation faithfully and impartially to discharge their duties as such appraisers.

Sec. 24. It shall be the duty of said appraisers to examine all of the said lands which shall be unsold as well as the said lands which have been sold and which may remain unpaid for, and appraise the same at their true cash value, without regard to any

improvements, and make report thereof in writing to the Auditor of Public Accounts, and also to the said trustees on or before the first day of December next. Said unsold lands shall be subject to entry and sale at a price not exceeding such re-appraised value in the same manner and subject to the same conditions as now provided by law, as modified by this act and the act to which this is supplemental, and it shall be lawful for the legal holders of any certificate or certificates for any of said lands which may have been sold at or before the time of such re-appraisement and not wholly paid for, to pay to the proper officer or officers by instalments as now required by law the difference between what has been paid therefor and such re-appraised value; and upon the payment thereof such holder shall be entitled to demand and receive a deed as though the full amount specified in said certificate had been fully paid.

Sec. 25. Should any vacancy occur in said board of appraisers by reason of death, resignation, or otherwise, it shall be the duty of the person or persons in whom is vested by said section twenty-three the appointment of the said appraisers, immediately upon notice thereof to fill the same and in the same manner as is in this act provided for the appointment of the original board, and said appraisers so appointed shall qualify and act in like manner with, and possess the same powers with the original appraisers.

Sec. 26. Such appraisers shall be entitled to and receive as a compensation for their services the sum of —— dollars per day for each and every day they may be employed as such, to be paid by such trustees out of the proceeds of said canal, its lands or revenues.

Sec. 27. This act shall be a public act, and shall be liberally construed in all courts of justice, and the State shall and will supply, by future legislation, all such defects (if any) found to exist as shall enable the trustees aforesaid to carry into full effect the fair and obvious intent of this act, and the Governor is hereby required to give all necessary information to the parties interested, and do any act or thing which may be necessary to carry this act into effect, or to facilitate any proceedings contemplated by this act.

Form of Certificate of principal moneys chargeable on the revenues of the State.

$1,000. No.

UNITED STATES OF AMERICA.

STATE OF INDIANA.

Five per cent. State stock.

Under two acts of the General Assembly of the State of Indiana, entitled "An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," passed 19th January, 1846, and "An act supplementary to the said act," passed ——— 1847.

Principal chargeable on the revenues of the State, pursuant to acts of the Legislature of Indiana, passed the 19th January, 1846, and on ——— 1847.

Be it known, that the State of Indiana owes to A. B. or his assigns, the sum of one thousand dollars, being part of the principal of the bonds of the State, declared to have been surrendered to the State *by act of surrender, of this date*, and which amount of one thousand dollars bears interest at the rate of five per centum per annum, from the 1st January, 1847, payable half yearly in the city of New York, at the times and in the manner declared by the acts of the Legislature above mentioned.

This stock is redeemable at any time after twenty years from 19th January, 1846, at the pleasure of the State, in the city of New York, and until redeemed, is transferable, upon surrender in the city of New York, in books provided for that purpose by the Agent of the State, there resident, by endorsement hereon and according to such other rules and forms as are or may be prescribed for that purpose; and for the payment of the interest and the redemption of the principal aforesaid, the faith of the State of Indiana is irrevocably pledged.

This debt is duly recorded, &c.

Witness our hands at Indianapolis, the —— day of ——— 1847.

Countersigned, *Treasurer.*
Auditor.

N. B.—The State reserves the right, (according to the terms and conditions of the said acts,) to postpone payment of a portion of the interest due upon this certificate until 1st January, 1853, paying interest on the same at the rate of six per centum per annum, and to fund one per centum of the same without interest after that period at the rate of two and one half per centum.

Form of Certificate for arrears of interest chargeable on the revenues of the State.

$300. No.

UNITED STATES OF AMERICA.

STATE OF INDIANA.

Two and a half per cent. State deferred stock.

Under two acts of the General Assembly of the State of Indiana, entitled "An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," passed 19th January, 1846, and "An act supplementary to" the said act passed ——— 1847.

ARREARS of *Interest* chargeable upon the revenues of the State pursuant to acts of the Legislature of Indiana, passed 19th January, 1846, and ——— 1847.

Be it known, that the State of Indiana owes to A. B., or his assigns, the sum of Three Hundred Dollars, being part of the "arrearages of Interest" from the first January, 1841, to the first January, 1847, upon the amount of bonds for two thousand dollars, surrendered to the State by an *act of surrender of this date.*

This stock to bear interest at the rate of —— per centum per annum from the first day of January, 1853, and which will be payable in the city of New York half yearly *by equal payments*, on the first day of July and the first day of January of each year, and is redeemable in the city of New York at any time after twenty years from the 19th January, 1846, at the pleasure of the State, and, until redeemed, is transferable, upon surrender in the city of New York, in the books provided for that purpose by the agent of the State there resident, by indorsement hereon and according to such other rules and forms as are or may be prescribed for that purpose, and for the payment of the interest and the redemption of the principal aforesaid, the faith of the State of Indiana is irrevocably pledged.

This debt is duly recorded, &c.

Witness our hands at Indianapolis the —— day of ——— 1847.

Countersigned, *Treasurer.*

Agent of State. *Auditor.*

N. B.—Certificates, in moieties, to be issued to the holders of coupons for arrears of interest cut off and separately held by persons presenting and surrendering the same.

Form of Certificate for principal moneys chargeable on the Canal, lands, tolls, &c.

$1,000. UNITED STATES OF AMERICA. No.

STATE OF INDIANA.

Five per cent. Canal stock.

Under two acts of the General Assembly of the State of Indiana, entitled "An act to provide for the funded debt of the State of Indiana and for the completion of the Wabash and Erie Canal to Evansville," passed 19th January, 1846, and "An act supplementary to" the said act, passed ——— 1847.

Principal chargeable on the Wabash and Erie Canal, tolls, lands, &c., pursuant to acts of the Legislature of Indiana, passed the 19th of January, 1846, and on ———, 1847.

Omit this if *not* issued to a subscriber. *This Certificate is issued to a subscriber for the advances to be made to trustees for completing the Canal to Evansville on the Ohio river.*

Be it known, that the Wabash and Erie Canal and all tolls, lands, and effects appertaining thereto, from the State line to Evansville, on the Ohio river, as described in the above mentioned acts of the Legislature, and all the property of the State of Indiana therein, are irrevocably pledged, in virtue of the said acts, to A. B., and his assigns, for the sum of One Thousand Dollars, represented by this certificate, (forming part of the bonds of the State declared to have been surrendered by an act of surrender of this date,) together with interest upon the same at the rate of five per cent. per annum from the first of January, 1847, payable semi-annually, by *equal payments* at the times, and in form and manner prescribed in the acts of the Legislature of the State of Indiana above mentioned.

Omit this when *not* issued to a subscriber. *And be it further known, that this certificate, and the interest to accrue thereon, are entitled to the priority of payment given by the above mentioned acts of the Legislature, on the conditions therein respectively mentioned, to subscribers for the advances to trustees for completing the said Canal to Evansville, on the Ohio river.*

This stock is transferable upon surrender in the city of New York, in books to be kept by the Trustees for the Wabash and Erie Canal, there resident, by indorsement hereon and according to such other rules and forms as are or may be prescribed for that purpose.

N. B.—It is not expected that interest will be paid by the trustees on this Certificate, until the canal be completed to Evansville. [Omit this when issued to subscribers who are to be paid interest at six per cent. per annum on their advances out of the existing tolls.]

Above N. B. may be dispensed with by inserting here the words—"Such payments of interest however to be contingent upon the funds realized from time to time from the canal applicable hereto, and the completion of the canal to Evansville."

Form of Certificate for Arrears of Interest chargeable on Canal, lands, tolls, &c.

$400. No.

UNITED STATES OF AMERICA.

State of Indiana.

Five per cent. Canal deferred Stock.

Under acts of the General Assembly of the State of Indiana, entitled "An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," passed 19th January, 1846, and "An act supplementary to" the said act, passed ———, 1847.

Arrears of interest to the first of January, 1847, chargeable on the Wabash and Erie Canal, tolls, lands, &c., pursuant to acts of the Legislature of Indiana, passed January, 1846, and on ———, 1847.

Omit this when *not* issued to a subscriber. *This certificate is issued to a subscriber for the advances to be made to the Trustees for completing the canal to Evansville, on the Ohio river.*

Be it known, that the Wabash and Erie Canal and all the tolls, lands, and effects appertaining thereto, from the State line to Evansville, on the Ohio river, *as described in the above mentioned acts of the Legislature*, and *all the property* of the State of Indiana therein, are irrevocably pledged in virtue of the said acts to A. B. and his assigns, for the sum of three hundred dollars, being part of the arrearages of interest, from the first day of January, 1841, to the first day of January, 1847, on the amount of bonds surrendered to the State by *our act of surrender of this date.* This certificate to bear interest at the rate of five per cent. per annum, from the 1st January, 1853, and which will be payable in the city of New York, half-yearly, by equal payments, on the 1st July and 1st January of each year, pursuant to the acts of the Legislature of Indiana above mentioned.

Omit this when *not* issued to a subscriber. *And be it further known, that this certificate, and the interest to accrue thereon, are entitled to the priority of payment given by the above mentioned acts of the Legislature, on the conditions therein respectively mentioned, to subscribers for advances to Trustees for completing the said canal to Evansville, on the Ohio river.*

This stock is transferable upon surrender in the city of New York, in books to be kept by the Trustees for the Wabash and Erie Canal, there resident, by indorsement hereon and according to such other rules and forms as are or may be prescribed for that purpose.

Said amendments were laid upon the table for the present, and two hundred copies ordered to be printed.

On motion by Mr. Palmer,

Resolved, That the State Printer be instructed to print and put together in pamphlet form the reports made by the majority and minority of the select committee to which was referred that portion of the Governor's Message which relates to the subject of the tariff.

On motion by Mr. Noel,

Resolved, That the committee on military affairs be directed to inquire into the expediency of allowing A. T. Blackledge pay for his services and expenses in going to and returning from N. Albany, and while there, for the purpose, as assistant Secretary of State, of issuing commissions to the military officers of the Indiana volunteers there assembled; also, to inquire into the expediency of making allowance for extra services during the last summer, to the Quarter-master General and Adjutant General, in addition to their regular salaries.

Mr. Watts offered the following resolution:

WHEREAS, By a joint resolution, approved February 18, 1839, the commissioners of the sinking fund were authorized to loan to the Wabash College of the funds in their charge not exceeding $8,000, for a term not exceeding five years; AND WHEREAS, on the 7th of May, 1839, said commissioners made a loan of said sum of $8,000, for said time, at 9 per cent. interest upon mortgage security, valued at that time at $16,000, exclusive of all perishable improvements; AND WHEREAS, by a joint resolution, approved February 2, 1843, the payment of interest on said loan was suspended from the 7th of May, 1842, until the 31st of December, 1846, provided the sinking fund commissioners should deem the same safe; therefore,

Resolved, That the commissioners of the sinking fund be requested to report to this House whether, in the opinion of said commissioners, said loan now is, or at any time since the passage of said joint resolution has been unsafe under the security given for said loan.

Mr. Secrest moved to lay said resolution on the table.

On which motion,

Messrs. Thompson and Cravens demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Battell, Carnahan, Colms, Decker, Dobson, Dole, Edwards, Ferguson, Fry, Fuller, Gordon, Griffis, Hall of Posey, Hall of Warren, Hamilton, Harding, Harlan, Harvey, Hendricks, Hill, Hostetter, Hull, Hunt, Julian, Lutz, May, M'Cormack, Meredith, Moore, Neal, Noel, Nofsinger, Norton, Palmer, Parker, Porter, Powell, Secrest, Shields, Sleeth Smiley, Stanfield, Stewart of Laporte, Suit, and Tait—47.

Those who voted in the negative are,

Messrs. Arnold, Brown, Balding, Carr of Clark, Carr of Lawrence, Clark, Cravens, Deam, Dowling, Gilleece, Green, Hanna, Hatfield, Hicks, Holland, Holman, Huddleston, Huffstetter, Johnson, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Mason, Miller, Monk, Osborn, Parks, Scott, Stewart of Fayette, Summers, Tebbs, Thomas, Thompson, Walker, Watts, Wiley, Wilson, Wise, Wolfe, Woodruff, Young, and Mr. Speaker—45.

So said resolution was laid on the table.

Mr. Thompson offered the following resolution:

Resolved, By the House of Representatives, the Senate concurring therein, that this General Assembly will adjourn *sine die* on the 25th instant.

On the adoption of which,

Messrs. Thompson and Stanfield demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Arnold, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Cravens, Deam, Decker, Dole, Ferguson, Fry, Gilleece, Griffis, Green, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harvey, Hatfield, Hendricks, Hill, Holman, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Johnson, Jones of Greene, Lemmonds, Lewis, Logan, Lutz, Mason, May, M'Cormack, Meredith, Monk, Neal, Norton, Palmer, Parker, Porter, Powell, Sleeth, Smiley, Stanfield, Summers, Tait, Tebbs, Thomas, Thompson, Watts, Wiley, Wilson, Wise, Wolfe, Woodruff, Young, and Mr. Speaker —63.

Those who voted in the negative are,

Messrs. Addleman, Brown, Battell, Clark, Colms, Dobson, Dowling, Edwards, Fuller, Gordon, Harding, Harlan, Hicks, Huffstetter, Jones of Blackford, Julian, Kerr, Miller, Moore, Noel, Nofsinger, Osborn, Parks, Scott, Secrest, Shields, Stewart of Fayette, Stewart of Laporte, Suit, and Walker—30.

So said resolution was adopted.

Ordered, That the clerk inform the Senate thereof.

Mr. Colms, on leave, introduced the following bill;

No. 354. A bill authorizing the Governor to contract for the completion of the State Prison, and for other purposes;

Which was read a first and second times, the rules being suspended, and referred to the committee on the State Prison.

Mr. Dowling, on leave, offered the following joint resolution:

No. 355. A joint resolution on the subject of slavery, &c.;

Which was read a first and second times, the rules being suspended, when,

Mr. Cravens moved to refer it to the committee who have under consideration so much of the Governor's Message as relates to the Mexican war.

On which motion,

Messrs. Thompson and Dowling demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Brown, Cravens, Deam, Ferguson, Hall of Warren, Hamilton, Harding, Harvey, Hicks, Hill, Huddleston, Julian, Kerr, Moore, Noel, Parks, Porter, Scott, Stewart of Fayette, Stewart of Laporte, Thomas, Walker, and Wise—23.

Those who voted in the negative are,

Messrs. Anthony, Arnold, Carr of Lawrence, Carnahan, Clark, Colms, Decker, Dobson, Dole, Dowling, Edwards, Fry, Fuller, Gilleece, Gordon, Griffis, Green, Hall of Posey, Hanna, Harlan, Hatfield, Hendricks, Holland, Holman, Hostetter, Huff, Huffstetter, Hull, Hunt, Johnson, Jones of Blackford, Jones of Greene, Lemmonds, Lewis, Logan, Lutz, Mason, May, M'Cormack, Meredith, Miller, Monk, Neal, Nofsinger, Osborn, Palmer, Parker, Powell, Secrest, Shields, Sleeth, Smiley, Stanfield, Suit, Summers, Tait, Tebbs, Thompson, Wiley, Wilson, Wolfe, Woodruff, Young, and Mr. Speaker—64.

So said joint resolution was not so referred, and

On motion by Mr. Suit,

The House adjourned until Monday morning, 9 o'clock.

MONDAY MORNING, January 11th, 1847.

The House met pursuant to adjournment.

JOINT RESOLUTIONS INTRODUCED.

By Mr. Edwards:

No. 356. A joint resolution in relation to holding a session of the Supreme Court of the United States west of the Allegheny Mountains.

By Mr. Watts:

No. 357. A joint resolution in regard to a hospital for the insane;

Were each severally read a first time and ordered to a second reading.

BILLS INTRODUCED.

By Mr. Carr of Clark:

No. 358. A bill to quiet the titles of land in Clark's grant;

Which was read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

By Mr. Thompson:

No. 359. A bill to establish an additional election precinct in Deer Creek township, in Perry county, and for other purposes.

By Mr. Neal:

No. 360. An act fixing a certain annual compensation to the auditor of Boone county.

By Mr. Griffis:

No. 361. A bill fixing the fees of the auditor of the county of Randolph.

By Mr. Walker:

No. 362. An act legalizing the marriage of Celia Lowder and Henry Perdue, of Daviess county.

By Mr. Huffstetter:

No. 363. An act to attach additional territory to the county of Crawford, and for other purposes;

By Mr. Ferguson:

No. 364. A bill to provide for an additional place of holding elections in Clark county.

By Mr. Holman:

No. 365. An act to locate a State road in the counties of Miami, Howard, and Madison.

By Mr. Moore:

No. 367. An act to provide for opening certain streets in the town of Indianapolis.

By Mr. Nofsinger:

No. 368. An act to change the time of holding probate courts in Parke county.

By Mr. Harlan:

No. 369. An act declaratory of the powers of the president and associate judges to enforce injunctions in vacation.

By Mr. Dole:

No. 371. A bill authorizing the Governor to issue a patent for a certain tract of canal land.

By Mr. Mr. Moore:

No. 372. An act to provide for publishing the general laws of this State;

Which were each severally read a first time, and ordered to a second reading.

By Mr. Hatfield:

No. 366. An act providing for the election of township assessors in Hancock county;

Which was read a first and second times, the rules being suspended, and referred to a select committee of Messrs. Hatfield, Griffis, and Secrest.

By Mr. Watts:

No. 370. An act to amend the acts now in force in regard to sending students to the State University;

Which was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Jones of Greene, offered the following resolution:

Resolved, That the auditor of State be requested to report to this House the amount of water rents due to the State each year since 1840, on the northern division of the Central Canal, and also from whom due, and also the amount paid, and by whom paid;

Which was adopted.

Mr. Cravens, on leave given, presented a petition for the better protection of religious assemblies;

Which was laid on the table.

Mr. Huddleston, on leave, presented the petition of sundry citizens of Rush county, relative to the improvement of Little Blue river, in said county;

Which was referred to a select committee of Messrs. Huddleston, Yaryan, and Powell.

On motion by Mr. Noel,

The report of the trustees of the Indiana asylum for the deaf and dumb was taken from the table, and referred to the committee on benevolent and scientific institutions.

ORDERS OF THE DAY.

No. 38. An act defining the mode of publishing the delinquent tax lists in the several counties of this State.

No. 208. An act to establish an institution for the education of the blind of the State of Indiana.

No. 241. An act to amend an act entitled "An act to incorporate the town of Columbus, in Bartholomew county, Indiana," approved February 6, 1839.

No. 248. An act to authorize the location and establishment of a State road from Salem, in Washington county, by Lawrenceport, on White river, to Bedford, in Lawrence county.

No. 250. An act in regard to the surplus revenue agent in Perry county (John Elder) and his securities.

No. 253. An act to vacate certain alleys in the town of Greencastle, Putnam county.

No. 255. A joint resolution relative to the public lands in the county of Gibson.

No. 256. An act to provide for the election of an additional justice of the peace in Jackson township, in Boone county.

No. 263. An act to incorporate the White River Canal Company.

No. 264. An act for the better protection of stock running at large.

No. 266. An act to improve the Michigan road, in Carroll county.

No. 269. An act to amend an act entitled "An act to provide for opening and repairing public roads and highways in the counties of Gibson and Pike," approved January 31, 1842.

No. 272. An act to amend the provisions of chapter 37, section 70, part 3, article 1, of the Revised Statutes of 1843.

No. 274. An act to amend the 144th section of the 30th chapter of the Revised Statutes of 1843;

No. 277. An act to amend the act regulating the proceedings under the writ of *ad quod damnum.*

No. 278. An act in relation to roads and highways in Lagrange county;

No. 280. An act to legalize the acts of Robert Laffler as school commissioner of Harrison county;

No. 286. An act to establish and relocate a State road in Vigo county;

No. 287. An act for the relief of lessees of water power at Wabash dam, No. 4, in Carroll county;

No. 288. An act to relocate the State road from Rushville, in Rush county, to Lowell, in Franklin county;

No. 289. An act to amend an act entitled "An act relative to leveeing the Wabash river on Shaker prairie," approved January 14, 1846;

No. 291. An act to incorporate the town of Muncie, in Delaware county;

No. 296. An act to improve the roads in Centre township, in the county of Dearborn;

No. 298. An act more fully to explain the 54th section, chapter 16, of the Revised Code of 1843;

No. 299. A joint resolution in relation to settlers upon the Great Miami Reserve;

No. 300. An act for the relief of Henry Wells, sheriff of Lake county;

No. 301. An act relative to road tax in Laporte county;

No. 303. An act for the relief of the inhabitants of district No. 6, in township 2 north, of range 2 east, in the counties of Washington and Orange;

No. 305. An act to locate a State road between the counties of Noble and Lagrange;

No. 308. An act to regulate the price of tax deeds;

No. 310. An act providing for the fees of Auditor of Hancock county;

No. 311. An act to amend an act entitled "An act relative to overseers of the poor," approved January 15, 1844;

No. 313. An act amendatory of, and supplementary to the 15th chapter of the Revised Statutes of 1843, in relation to common schools;

No. 316. An act to authorize the citizens of Wabash county to build a bridge across the Wabash river on dam No. 2 in said county;

No. 319. An act relative to grand juries in the county of Washington;

No. 321. An act authorizing the canal commissioner to credit and receipt for moneys heretofore paid by purchasers of Wabash and Erie Canal lands;

No. 322. An act to locate a State road in the counties of Posey and Vanderburgh;

Were each severally read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 246. An act to authorize writs of *ne exeat*.

Was read a third time, when

Mr. Wise moved that the bill be laid upon the table;

Which motion did not prevail.

The question then being on the passage of the bill,

Messrs. Watts and Wolfe demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Balding, Carr of Lawrence, Carnahan, Cassatt, Clark, Colms, Cravens, Crookshank, Deam, Decker, Dole, Ferguson, Fry, Gilleece, Griffis, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Harlan, Hatfield, Hendricks, Hicks, Hill, Hostetter, Huddleston, Huff, Hull, Jones of Blackford, Lutz, McCormack, Meredith, Moore, Noel, Nofsinger, Osborn, Powell, Scott, Shields, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tait, Thomas, Thompson, Walker, Watts, Wiley, Wilson, Wolfe, Woodruff, Yaryan, and Mr. Speaker—56.

Those who voted in the negative are,

Messrs. Anthony, Arnold, Brown, Dowling, Edwards, Fuller, Gordon, Green, Holland, Holman, Huffstetter, Hunt, Johnson, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Mason, May, Miller, Monk, Neal, Norton, Parker, Parks, Secrest, Sleeth, Smiley, Tackett, Tebbs, Wise, and Young—36.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

No. 259. A joint resolution relative to the St. Joseph river;

Was read a third time, when

Mr. Neal moved to lay the same on the table.

On this motion,

Messrs. Neal and Colms demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Balding, Carr of Clark, Carr of Lawrence, Carnahan, Crookshank, Deam, Dobson, Gilleece, Hall of Posey, Hanna, Harlan, Hicks, Holman, Huffstetter, Jones of Blackford, Jones of Greene, Lemmonds, Logan, Miller, Monk, Neal, Nofsinger, Osborn, Parks, Secrest, Shields, Sleeth, Smiley, Tackett, Wiley, Wilson, Wolfe, Woodruff, and Young—34.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Brown, Cassatt, Clark, Colms, Cravens, Decker, Dole, Dowling, Edwards, Ferguson, Fry, Fuller, Gordon, Griffis, Green, Hall of Warren, Hamilton, Harding, Hatfield, Hendricks, Hill, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Johnson, Kerr, Lewis, Lutz, Mason, May, McCormack, Meredith, Moore, Noel, Norton, Parker, Powell, Scott, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tait, Tebbs, Thomas, Thompson, Walker, Watts, Wise, Yaryan, and Mr. Speaker—57.

So said motion did not prevail.

The bill then passed.

Ordered, That the clerk inform the Senate thereof.

No. 270. An act to afford a more efficient remedy in actions of trespass;

Was read a third time, when

Mr. Suit moved that the bill be indefinitely postponed.

On this motion,

Messrs. Neal and Logan demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Arnold, Brown, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Colms, Cravens, Crookshank, Deam, Decker, Dobson, Dole, Dowling, Edwards, Ferguson, Fry, Fuller, Gilleece, Gordon, Griffis, Green, Hall of Posey, Hall of Warren, Hanna, Harlan, Harding, Hatfield, Hicks, Hill, Holland, Holman, Hostetter, Huddleston, Huff, Huffstetter, Johnson, Jones of Blackford, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Lutz, Mason, May, McCormack, Meredith, Miller, Monk, Neal, Noel, Nofsinger, Norton, Osborn, Parker, Parks, Powell, Scott, Secrest, Shields, Sleeth, Smiley, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tackett, Tait, Tebbs, Thomas, Thompson, Walker, Watts, Wilson, Wolfe, Woodruff, Yaryan, Young, and Mr. Speaker—80.

Those who voted in the negative are,

Messrs. Anthony, Hamilton, Hull, Hunt, Moore, Wiley, and Wise —7.

So said bill was indefinitely postponed.

No. 290. An act to repeal an act entitled "An act to confine voters to their respective townships," approved January 13, 1845, so far as it relates to Owen and Washington counties;

Mr. Cravens moved to lay the bill on the table.

On this motion,

Messrs. Cravens and Dobson demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Brown, Carr of Lawrence, Carnahan, Clark, Cravens, Crookshank, Dole, Dowling, Edwards, Ferguson, Fry, Gilleece, Gordon, Griffis, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Hendricks, Hill, Holman, Hostetter, Huddleston, Huffstetter, Hull, Hunt, Johnson, Jones of Greene, Kerr, Logan, May, McCormack, Meredith, Miller, Monk, Moore, Neal, Noel, Norton, Osborn, Parker, Parks, Porter, Powell, Scott, Secrest, Shields, Smiley, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Thomas, Wiley, Wilson, Woodruff, Yaryan, and Mr. Speaker —60.

Those who voted in the negative are,

Messrs. Arnold, Carr of Clark, Cassatt, Colms, Deam, Decker, Dobson, Fuller, Hatfield, Hicks, Huff, Jones of Blackford, Lemmonds, Lewis, Lutz, Mason, Tackett, Tait, Tebbs, Thompson, Walker, Watts, Wise, Wolfe, and Young—26.

And said bill was indefinitely postponed.

No. 320. An act to regulate and change the time of holding courts in the 4th judicial circuit, and authorizing special chancery courts to be held therein;

Was read a third time, when,

On motion by Mr. Miller,

The vote on engrossing the bill was reconsidered, and the bill was referred to a select committee of the members who compose the 4th judicial circuit.

No. 323. An act for the relief of Abram Hendricks & Son;

Was read a third time, when

Mr. Cassatt moved to refer the bill to a select committee with instructions to report a bill allowing a commission to A. Hendricks & Son, that their claims may be investigated; said commission to be at said Hendricks & Son's cost.

On this motion,

Messrs. Cassatt and Hull demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Brown, Balding, Battell, Clark, Colms, Cravens, Decker, Edwards, Fry, Gilleece, Gordon, Green, Hamilton, Hatfield, Hendricks, Hill, Holland, Hostetter, Hull, Lutz, Meredith, Noel, Nofsinger, Norton, Parker, Porter, Powell, Scott, Secrest, Shields, Smiley, Stewart of Laporte, Suit, Summers, Tait, Thompson, Wise, and Mr. Speaker—42.

Those who voted in the negative are,

Messrs. Arnold, Carr of Clark, Carr of Lawrence, Carnahan, Cassatt, Crookshank, Deam, Dobson, Dole, Dowling, Dunham, Ferguson, Fuller, Griffis, Hall of Posey, Hall of Warren, Hanna, Harlan, Harding, Hicks, Holman, Huddleston, Huff, Huffstetter, Hunt, Johnson, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Mason, May, McCormack, Miller, Monk, Moore, Neal, Osborn, Palmer, Parks, Sleeth, Stewart of Fayette, Tackett, Tebbs, Thompson, Walker, Watts, Wiley, Wilson, Wolfe, Woodruff, and Young —53.

So said motion did not prevail.

On motion by Mr. Palmer,

The vote on the engrossment of the bill was reconsidered.

When Mr. Palmer offered the following amendment:

Provided the said Hendricks & Son on the judgment to them of such sum, shall make and sign a release of all claim or pretence of claim against the State of any kind whatever up to the date of the passage of this bill, which release shall be filed in the office of the Auditor of State.

Which amendment was adopted.

The question then being,

Shall the bill as amended be considered as engrossed and read a third time now?

It was so ordered.

And on the question of its passage,

Messrs. Wolfe and Hull demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Brown, Balding, Battell, Carr of Clark, Cassatt, Clark, Colms, Cravens, Decker, Dole, Dowling, Edwards, Ferguson, Fry, Gilleece, Gordon, Griffis, Green, Hall of Posey, Hall of Warren, Hamilton, Harding, Harlan, Hendricks, Hicks, Hill, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Johnson, Julian, Kerr, Lutz, McCormack, Meredith, Moore, Noel,

Palmer, Parker, Porter, Powell, Scott, Secrest, Shields, Smiley, Stewart of Fayette, Stewart of Laporte, Suit, Tait, Thomas, Walker, and Yaryan—57.

Those who voted in the negative are,

Messrs. Arnold, Carr of Lawrence, Carnahan, Crookshank, Deam, Dunham, Fuller, Hanna, Hatfield, Holman, Huffstetter, Jones of Greene, Lemmonds, Lewis, Logan, Mason, May, Miller, Monk, Neal, Nofsinger, Norton, Osborn, Parks, Sleeth, Summers, Tackett, Tebbs, Thompson, Wiley, Wilson, Wise, Wolfe, Woodruff, Young, and Mr. Speaker—36.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Hall of Warren,

The House adjourned until two o'clock, P. M.

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2 *o'clock*, *P. M.*

The House met.

ORDERS OF THE DAY CONTINUED.

No. 325. A joint resolution on the subject of education;

No. 332. An act for the relief of Alfred B. Nesbit of the county of Posey;

No. 334. An act to provide for the improvement of county libraries;

No. 335. An act to amend the 1st article of the 50th chapter of the Revised Statutes of 1843;

No. 337. An act to authorize settlers on the public lands to petition for county roads.

No. 339. An act to authorize probate judges in Fountain county to issue writs of habeas corpus, and take acknowledgments of deeds.

No. 340. An act to legalize the marriage of William Howell and Mary Howell.

No. 341. An act to amend an act "giving the right to the voters of Marion county to decide as to authorizing licenses to retail spirituous liquors in their townships," approved January 19, 1846.

No. 342. An act to authorize Nelson Peck and Elmore H. Wilcox to continue a mill dam across the Iroquois river, in Jasper county.

No. 343. An act regulating the jurisdiction of justices of the peace in Switzerland county, and for other purposes.

No. 344. An act to authorize the formation of voluntary associations.

Which were each severally read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 348. An act for the improvement of common schools;

Was read a third time; when

Mr. Palmer moved to recommit the bill to a select committee, with instructions to strike out "nine" hundred as the compensation for the State Superintendent, and insert "six."

Which motion did not prevail.

Mr. Meredith moved a call of the House;

Which was seconded.

And Mr. Harvey excused attendance; and,

On motion by Mr. Palmer,

The further call was suspended.

Mr. Cravens then moved that the bill be recommitted to a select committee, with instructions "to make the compensation of the State Seperintendent seven hundred dollars per year instead of nine."

On this motion,

Messrs. Cravens and Balding demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Arnold, Brown, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Colms, Cravens, Crookshank, Deam, Decker, Dobson, Dowling, Edwards, Ferguson, Fry, Fuller, Gilleece, Griffis, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Harlan, Hatfield, Hendricks, Hicks, Holland, Holman, Hostetter, Huddleston, Huff, Huffstetter, Hull, Johnson, Jones of Blackford, Jones of Greene, Julian, Kerr, Lemmonds, Lewis, Logan, Mason, May, McCormack, Meredith, Miller, Monk, Moore, Neal, Noel, Osborn, Palmer, Parks, Porter, Powell, Scott, Secrest, Shields, Sleeth, Smiley, Stanfield, Stewart of Fayette, Suit, Summers, Tackett, Tait, Tebbs, Thomas, Thompson, Walker, Watts, Wiley, Wilson, Wolfe, Woodruff, Yaryan, Young, and Mr. Speaker—82.

Those who voted in the negative are,

Messrs. Addleman, Battell, Gordon, Hamilton, Hill, Hunt, Nofsinger, Norton, Parker, Stewart of Laporte, and Wise—11.

So said motion prevailed.

And said bill was referred to a select committee of Messrs. Cravens, Secrest, and Palmer.

Mr. Cravens, on leave given, made the following report:

Mr. Speaker:

The select committee to whom was referred bill of the House No.

348, an act for the improvement of common schools in the State of Indiana, have had the same under consideration, and amended the bill as instructed by the House, and would respectfully recommend its passage.

Which amendment was adopted; when,

Mr. Miller moved that the bill be indefinitely postponed.

On this motion,

Messrs. Miller and Thompson demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Arnold, Balding, Carr of Clark, Deam, Decker, Ferguson, Fuller, Green, Hicks, Hunt, Lemmonds, Logan, Mason, McCormack, Miller, Monk, Neal, Parker, Smiley, Summers, Tackett, Tebbs, Thompson, Wiley, Wilson, Wolfe, and Young—29.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Brown, Battell, Carr of Lawrence, Carnahan, Cassatt, Clark, Colms, Cravens, Crookshank, Dobson, Dowling, Dunham, Edwards, Fry, Gilleece, Gordon, Griffis, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Harlan, Hatfield, Hendricks, Hill, Holland, Holman, Hostetter, Huddleston, Huff, Huffstetter, Hull, Johnson, Jones of Blackford, Jones of Greene, Kerr, Lewis, May, Meredith, Moore, Noel, Nofsinger, Norton, Osborn, Palmer, Parks, Porter, Powell, Scott, Secrest, Shields, Sleeth, Stewart of Fayette, Stewart of Laporte, Suit, Tait, Thomas, Walker, Watts, Wise, Woodruff, Yaryan, and Mr. Speaker—66.

So said motion did not prevail.

Mr. Palmer moved that the bill be recommitted to a select committee, with instructions "to strike out all that part of the bill which relates to county superintendents."

Mr. Cravens demanded a division of the question,

Which was seconded;

And the question then being,

"Shall the bill be committed to a select committee?"

It was so ordered.

The question then being on the instructions offered by Mr. Palmer,

Messrs. Palmer and Meredith demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Balding, Carr of Clark, Carr of Lawrence, Cassatt, Deam, Decker, Dunham, Ferguson, Fuller, Gilleece, Green, Hanna, Harding, Hicks, Holman, Huffstetter, Hunt, Johnson, Jones of Blackford, Jones of Greene, Lemmonds, Logan, Mason, McCormack, Miller, Monk, Osborn, Palmer, Porter, Powell,

Smiley, Summers, Tackett, Tebbs, Wiley, Wilson, Wolfe, Yaryan, and Young—41.

Those who voted in the negative are,

Messrs. Arnold, Brown, Battell, Carnahan, Clark, Colms, Cravens, Crookshank, Dowling, Edwards, Fry, Gordon, Griffis, Hall of Posey, Hall of Warren, Hamilton, Harlan, Hatfield, Hendricks, Hill, Holland, Hostetter, Huddleston, Huff, Hull, Kerr, Lewis, May, Meredith, Moore, Neal, Noel, Nofsinger, Norton, Parks, Scott, Secrest, Shields, Stewart of Fayette, Stewart of Laporte, Suit, Tait, Thomas, Thompson, Walker, Watts, Wise, Woodruff, and Mr. Speaker—49.

So said instructions were not adopted.

Mr. Dunham offered the following as instructions:

"Amend so as to require the committee to strike out all of that part of the bill in reference to premiums."

Mr. Cravens moved that the proposed instructions be laid upon the table.

On this motion,

Messrs. Cravens and Dunham demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Arnold, Addleman, Brown, Balding, Carnahan, Colms, Cravens, Deam, Decker, Dobson, Dowling, Edwards, Fry, Gordon, Griffis, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Harlan, Hendricks, Holland, Huddleston, Hull, Kerr, Lemmonds, Lewis, May, Meredith, Monk, Moore, Neal, Nofsinger, Norton, Parker, Parks, Powell, Scott, Secrest, Shields, Smiley, Stewart of Fayette, Stewart of Laporte, Tait, Watts, Wise, Woodruff, Yaryan, and Young—51.

Those who voted in the negative are,

Messrs. Battell, Carr of Clark, Carr of Lawrence, Cassatt, Clark, Crookshank, Dunham, Ferguson, Fry, Fuller, Gilleece, Green, Hatfield, Hicks, Hill, Holman, Huff, Huffstetter, Hunt, Johnson, Jones of Greene, Logan, Mason, McCormack, Miller, Osborn, Palmer, Porter, Suit, Summers, Tackett, Tebbs, Thomas, Thompson, Walker, Wiley, Wilson, Wolfe, and Mr. Speaker—39.

So said motion prevailed.

Mr. Balding offered the following as instructions:

"Strike out all after the enacting clause and insert the system of the State of New York;"

Which was,

On motion by Mr. Palmer,

Laid upon the table.

Mr. Dobson offered the following:

"Amend by reducing the premiums to one half their present amount;"

Which was,

On motion by Mr. Cravens,

Laid upon the table.

Mr. Wolfe moved the following as instructions:

"Amend so as to require the Superintendent to spend the same amount of time in each county in the State;

Which was laid upon the table.

Mr. Neal offered the following as instructions:

"To strike out so much of the bill as relates to employing a State Superintendent."

Mr. Meredith moved that the same be laid upon the table.

Messrs. Thompson and Powell demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Arnold, Brown, Battell, Carnahan, Clark, Colms, Cravens, Crookshank, Decker, Dole, Dowling, Edwards, Fry, Gilleece, Gordon, Griffis, Hall of Posey, Hall of Warren, Hamilton, Harding, Harlan, Hendricks, Holland, Holman, Hostetter, Huddleston, Hull, Jones of Blackford, Jones of Greene, Kerr, Lewis, May, Meredith, Moore, Noel, Nofsinger, Palmer, Parks, Scott, Secrest, Stewart of Fayette, Stewart of Laporte, Suit, Tait, Walker, Watts, Wise, Woodruff, Yaryan, and Mr. Speaker—52.

Those who voted in the negative are,

Messrs. Balding, Carr of Clark, Carr of Lawrence, Cassatt, Deam, Ferguson, Fuller, Green, Hanna, Hatfield, Hicks, Hill, Huff, Huffstetter, Hunt, Johnson, Lemmonds, Logan, Mason, McCormack, Miller, Monk, Neal, Norton, Osborn, Parker, Porter, Powell, Shields, Smiley, Summers, Tackett, Tebbs, Thomas, Thompson, Wiley, Wilson, Wolfe, and Young—39.

So said instructions were laid upon the table.

Mr. Palmer moved to reconsider the vote on ordering the bill to be recommitted to a select committee.

On this motion,

Messrs. Palmer and Miller demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Brown, Battell, Carnahan, Colms, Cravens, Crookshank, Decker, Dole, Edwards, Fry, Fuller, Gordon, Hall of Posey, Hall of Warren, Hamilton, Harding, Harlan, Hendricks,

Hostetter, Huddleston, Hull, Jones of Greene, Kerr, Lemmonds, May, Meredith, Moore, Neal, Noel, Nofsinger, Palmer, Parks, Scott, Secrest, Shields, Sleeth, Smiley, Stewart of Fayette, Stewart of Laporte, Summers, Tait, Walker, Watts, Wise, Woodruff, and Mr. Speaker—47.

Those who voted in the negative are,

Messrs. Addleman, Arnold, Balding, Carr of Clark, Carr of Lawrence, Cassatt, Clark, Deam, Dobson, Ferguson, Gilleece, Green, Hanna, Hatfield, Hicks, Hill, Holland, Holman, Huff, Huffstetter, Hunt, Johnson, Jones of Blackford, Lewis, Logan, Mason, McCormack, Miller, Monk, Norton, Osborn, Parker, Porter, Powell, Suit, Tackett, Tebbs, Thomas, Thompson, Wiley, Wilson, Wolfe, Yaryan, and Young—44.

So said vote was reconsidered.
Mr. Cravens demanded the previous question;
Which was seconded by the House, and
The previous question being,
"Shall the main question be now put?"
It was decided in the affirmative.
Mr. Parker then moved a call of the House;
Which was seconded.
And after some time spent therein,
On motion by Mr. Cravens,
The further call was suspended.
The main question then being,
"Shall the bill pass?"
Messrs. Cravens and Thompson demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Brown, Battell, Carnahan, Clark, Colms, Cravens, Dobson, Dole, Dowling, Edwards, Fry, Gordon, Griffis, Hall of Posey, Hall of Warren, Hamilton, Harlan, Harding, Hendricks, Holland, Hostetter, Huddleston, Hull, Jones of Greene, Kerr, Lewis, May, Meredith, Moore, Noel, Nofsinger, Norton, Parks, Scott, Shields, Secrest, Sleeth, Stewart of Fayette, Stewart of Laporte, Suit, Tait, Walker, Watts, Woodruff, Yaryan, and Mr. Speaker—46.

Those who voted in the negative are,

Messrs. Arnold, Balding, Carr of Clark, Carr of Lawrence, Cassatt, Crookshank, Deam, Decker, Dunham, Ferguson, Fuller, Gilleece, Green, Hanna, Hatfield, Hicks, Hill, Holman, Huffstetter, Huff, Hunt, Johnson, Jones of Blackford, Lemmonds, Logan, Mason, McCormack, Miller, Monk, Neal, Osborn, Palmer, Parker, Porter,

Powell, Smiley, Summers, Tackett, Tebbs, Thomas, Thompson, Wiley, Wilson, Wise, Wolfe, and Young—44.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Balding made the following protest to the passage of said bill:

The undersigned protests against the passage of this act, because it is making an expensive and uncalled for change in our present system.

The undersigned thinks the present system imperfect, but less so than this act.

The undersigned especially objects to that of a State superintendent, and particularly that of his having travelling duties defined him which he cannot perform, and if possible, they are uncalled for when the same services are to be performed by a county superintendent.

The undersigned does exceedingly regret that a bill like this should become a law, that will use up the people's means to educate their children—merely because it talks fine things, and is bragged good and desirable, and by its friends is called an improvement.

GEO. W. BALDING.

SENATE BILLS ON THIRD READING.

No. 54. A bill to correct a mistake in the enrolling and publishing "An act to amend the several acts now in force relative to the New Albany and Vincennes road," approved January 19, 1846.

No. 65. A bill to incorporate the Grand and Subordinate Divisions of the Sons of Temperance of the State of Indiana.

No. 68. A bill fixing the time of holding the circuit courts in the county of Marion.

No. 72. An act incorporating the Upper Wabash Canal Company.

No. 101. An act to amend an act to incorporate the Lafayette Bridge Company.

No. 112. An act to legalize the transfer of certain canal land certificates.

No. 116. An act to incorporate the trustees of the Fort Wayne Female College;

Were each severally read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 70. An act to provide for the punishment of seduction;

Was read a third time, when,

Mr. Thompson moved to recommit the bill to a select committee, with instructions to make the following amendment:

"*Provided*, however, in the event of the marriage of the parties there shall be no prosecution under this act, unless the party offending shall abandon the female afterwards."

On which motion,

Messrs. Thompson and Parks demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Balding, Battell, Cassatt, Crookshank, Decker, Green, Hamilton, Harding, Harlan, Hatfield, Holman, Huff, Johnson, Jones of Greene, Kerr, Lemmonds, May, Miller, Neal, Noel, Norton, Parks, Smiley, Summers, Tackett, Tebbs, Thompson, Wilson, Wolfe, Young, and Mr. Speaker—31.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Arnold, Brown, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Colms, Cravens, Deam, Dobson, Dole, Dowling, Edwards, Fuller, Gilleece, Gordon, Griffis, Hall of Posey, Hall of Warren, Hanna, Hendricks, Hicks, Hill, Holland, Hostetter, Huddleston, Huffstetter, Hull, Hunt, Jones of Blackford, Lewis, Logan, Mason, Meredith, Moore, Osborn, Palmer, Parker, Porter, Powell, Scott, Secrest, Sleeth, Stewart of Fayette, Stewart of Laporte, Suit, Thomas, Walker, Watts, Wiley, Wise, Woodruff, and Yaryan—55.

So said motion did not prevail.

The question then being on the passage of the bill,

Messrs. Balding and Thompson demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Arnold, Brown, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Cassatt, Clark, Colms, Cravens, Decker, Dobson, Dole, Dowling, Edwards, Fry, Fuller, Gilleece, Gordon, Griffis, Hall of Posey, Hall of Warren, Hamilton, Hanna, Hendricks, Hicks, Hill, Holland, Holman, Hostetter, Huddleston, Huff, Huffstetter, Hull, Hunt, Jones of Blackford, Lemmonds, Lewis, Logan, Mason, Meredith, Monk, Moore, Neal, Noel, Norton, Osborn, Palmer, Parker, Parks, Porter, Powell, Scott, Secrest, Sleeth, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tait, Thomas, Thompson, Walker, Watts, Wiley, Wise, Wolfe, Woodruff, Yaryan, and Mr. Speaker—73.

Those who voted in the negative are,

Messrs. Balding, Green, Harlan, Harding, Hatfield, Johnson, Jones of Greene, Kerr, May, Smiley, Tebbs, Wilson, and Young—13.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

House Bills on Second Reading.

No. 347. An act to provide for the more speedy collection of seminary and common school funds.

Which was read a second time and referred to the committee on the judiciary.

No. 349. A bill for the relief of G. P. Smith.

Which was read a third time and indefinitely postponed.

On motion by Mr. Edwards,

The House adjourned till to-morrow morning 9 o'clock, A. M.

TUESDAY MORNING, January 12th, 1847.

The House met pursuant to adjournment.

On motion by Mr. Carr of Lawrence, bill

No. 353. A bill supplementary to "An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," approved January 19, 1846,

Was taken up and placed in the files, and made the special order of the day for to-morrow at 10 o'clock, A. M.

On motion by Mr. Harlan,

Bill of the House,

No. 115. Was taken from the table, and the amendment of the Senate to the same concurred in, with the following amendment, by striking out "Richardville," and inserting "Howard."

Mr. Balding entered the following protest to the passage of bill of the Senate No. 70:

Senate bill, No. 70, entitled "An act to provide for the punishment of seduction," which passed the House this 11th day of January, 1847.

The undersigned feels bound to protest against, because it is not guarded so as to protect a man who, in good faith, may marry the seduced; and because it may be in the power of evil, malicious persons to sever husband and wife, who in good faith have kept and carried into effect the promises by them made in the hour of temptation or excitement, the acts at the time being of said illicit character. Or the man may at or previous to the time of said illicit connexion, have promised his hand to the lady in marriage, and in *good faith too;* yet even if he fulfils his promise, by marrying said seduced lady, and performs cheerfully, faithfully, and satisfactorily his duties as husband and father, his family being one of peace and contentment, yet if this bill becomes a law, the holy bonds of matrimony may be severed by the interference of said law. Or if the man in bad faith made said promise of marriage, yet, though he redeem it to

the letter, he is still liable to fine and imprisonment; the former may rob the family of a necessary means of living, while the latter may, by severing the family, break the heart of an affectionate and dutiful wife, and leave a family to suffer in lamentable sorrow and want.

And inasmuch as the undersigned earnestly, though unavailingly, urged upon this House to have said bill so amended that it might guard those who have made the best possible reparation from being torn from their families to gratify spite or a spiteful law. Also that abandonment of the wife by the husband might make him liable to a prosecution under this act, which was alike unavailing.

Therefore, the undersigned feels himself especially bound to enter this protest, it being the only way to protect his rights. For the undersigned firmly believes the law of God, written by Moses, the *Legislator* of *Israel*, making it the duty of a man to marry the woman with whom he had had illicit connexion, to be the best law on the subject. Also firmly believing the adoption of said law by all civilized nations to be wisdom, therefore, the undersigned finds himself conscientiously bound to hereby express his astonishment that this House has this day, by a large majority attempted, though he believes inconsiderately attempted, to improve upon said law of *God*.

The undersigned regards the *Divine law* the better of the two, if this can ever become a law and be regarded as such. For marriage is the best possible way to repair the breach of good order made by said illicit connexion. Therefore, the undersigned thinks it impolitic to make a law that will bind *grand* jurors and prosecutors to assist in severing husband and wife, father and children, who may at the time be upright and doing the best they can.

The knowledge of said illicit connexion may be obtained by the most honest and *honorable* acknowledgments of the husband by owning the offspring; knowing more of the Bible than of the enactments of this present General Assembly, he may be constrained, from a sense of duty, to confess the whole truth most humbly and penitently; or some person, from the basest of motives, may inform of the man, and consequently the painful separation takes place, in addition to robbing the family by fine and costs. The husband, notwithstanding the affections and tears of his family, must be torn from them; yet he may be the most affectionate and faithful of husbands, the kindest and most venerable of fathers. This enactment knows no exceptions, no, not so much as to allow the law of God to prevail where they conflict.

In conclusion, the undersigned most respectfully begs leave to add that he regards the ordinance of matrimony to be the most sacred and most useful of ordinances, being instituted by God himself, and pronounced as most binding; enjoining on the husband to forsake all others and cleave unto his wife, declaring them to be no more twain. Therefore, the undersigned thinks it rash for this *General Assembly* to manufacture the sword to cut them asunder.

GEORGE W. BALDING.

No. 355. A joint resolution on the subject of slavery, &c.
Was read a third time, when
Mr. Secrest moved a call of the House;
Which was seconded.
And after some time spent therein,
The further call was suspended.
Mr. Julian moved to recommit the bill to a select committee.
On this motion,
Messrs. Palmer and Moore demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Brown, Battell, Cassatt, Clark, Colms, Dole, Edwards, Ferguson, Fry, Gordon, Griffis, Hamilton, Harding, Hendricks, Hill, Holland, Hostetter, Huddleston, Huff, Hunt, Julian, Kerr, McCormack, Meredith, Neal, Powell, Scott, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Thomas, Thompson, Walker, Watts, Wise, Yaryan, and Mr. Speaker—41.

Those who voted in the negative are,

Messrs. Arnold, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Crookshank, Deam, Decker, Dobson, Dowling, Fuller, Gilleece, Green, Hall of Posey, Hall of Warren, Hanna, Harlan, Hatfield, Hicks, Holman, Huffstetter, Johnson, Jones of Blackford, Jones of Greene, Lemmonds, Logan, Lutz, Mason, May, Miller, Monk, Moore, Noel, Nofsinger, Osborn, Palmer, Parker, Parks, Secrest, Shields, Sleeth, Smiley, Tackett, Tebbs, Trimble, Wiley, Wilson, Wolfe, Woodruff, and Young—52.

So said joint resolution was not referred.
Mr. Meredith moved that the bill be laid upon the table.
On this motion,
Messrs. Yaryan and Secrest demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Brown, Battell, Clark, Colms, Dole, Edwards, Ferguson, Fry, Gordon, Griffis, Hamilton, Harding, Hendricks, Hill, Hostetter, Huddleston, Huff, Hunt, Julian, Kerr, Lutz, McCormack, Meredith, Moore, Noel, Parker, Powell, Scott, Stanfield, Stewart of Fayette, Stewart of Laporte, Summers, Thomas, Thompson, Trimble, Walker, Watts, Wise, Yaryan, and Mr. Speaker—42.

Those who voted in the negative are,

Messrs. Arnold, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Crookshank, Deam, Decker, Dobson, Dowling, Fuller, Gilleece, Green, Hall of Posey, Hall of Warren, Hanna, Harlan, Hatfield, Hicks, Holland, Holman, Huffstetter, Johnson, Jones of Blackford, Jones of Greene, Lemmonds, Lewis, Logan, Mason, May, Miller, Monk, Neal, Norton, Osborn, Palmer, Parks, Secrest, Shields, Sleeth, Smiley, Suit, Tackett, Tebbs, Wiley, Wilson, Wolfe, Woodruff, and Young—49.

So said joint resolution was not laid on the table.

Mr. Suit moved that the bill be indefinitely postponed.

On this motion,

Messrs. Suit and Palmer demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Brown, Cassatt, Clark, Colms, Edwards, Ferguson, Fry, Gordon, Griffis, Hamilton, Harding, Hill, Hostetter, Huddleston, Huff, Hunt, Julian, Kerr, Lutz, Mason, McCormack, Meredith, Moore, Noel, Powell, Scott, Sleeth, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Thomas, Trimble, Walker, Watts, Wise, and Yaryan—40.

Those who voted in the negative are,

Messrs. Arnold, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Crookshank, Deam, Decker, Dobson, Dowling, Fuller, Gilleece, Green, Hall of Posey, Hall of Warren, Hanna, Harlan, Hatfield, Hicks, Holland, Holman, Huffstetter, Johnson, Jones of Blackford, Jones of Greene, Lemmonds, Lewis, Logan, May, Miller, Monk, Neal, Nofsinger, Norton, Osborn, Palmer, Parks, Secrest, Shields, Smiley, Tackett, Tebbs, Thompson, Wiley, Wilson, Wolfe, Woodruff, Young, and Mr. Speaker—50.

So said bill was not indefinitely postponed.

On motion by Mr. Dowling,

The bill was laid upon the table.

No. 351. A joint resolution in reference to the protection of American industry in all its various branches;

No. 356. A joint resolution in relation to holding a session of supreme courts of the United States west of the Allegheny mountains;

No. 357. A joint resolution in regard to the hospital for the insane;

No. 360. An act fixing a certain annual compensation to the auditor of Boone county;

No. 361. A bill fixing the fees of the auditor of the county of Randolph;

No. 362. An act legalizing the marriage of Celia Lowder and Henry Perdue of Daviess county;

No. 364. A bill to provide for an additional place of holding elections in Clark county;

No. 365. An act to locate a State road in the counties of Miami, Howard, and Madison;

No. 367. An act to provide for opening certain streets in the town of Indianapolis;

No. 368. An act to change the time of holding probate courts in Parke county;

No. 369. An act declaratory of the power of the president and associate judges to enforce injunctions in vacation;

No. 371. A bill authorizing the Governor to issue a patent for a certain tract of canal land;

Which were each severally read a second time, and ordered to be engrossed for a third reading.

No. 359. A bill to establish an additional election precinct in Deer Creek township, Perry county, and for other purposes;

Was read a second time, amended by inserting the name of Chas. S. Lovy in the place of Nicholas Vaughan, and the bill as amended, ordered to be engrossed for a third reading.

No. 363. An act to attach additional territory to the county of Crawford, and for other purposes;

Was read a second time and laid upon the table.

No. 372. An act to provide for the publishing of the general laws of the State;

Was read a second time and referred to the judiciary committee.

SENATE BILLS ON SECOND READING.

No. 14. An act to enable executors and administrators to settle estates;

No. 67. An act to compel corporations to keep up bridges where, by their action, they obstruct State or county roads;

No. 89. An act relative to costs;

No. 100. An act relative to the assignment of dower, and to amend article 3d, chapter 45, of the Revised Statutes of 1843;

No. 102. An act relative to executions;

No. 118. An act in relation to retailing intoxicating liquors in Laporte county;

No. 141. An act to vest the title to land in the heirs, devisees and assignees of the purchaser of lands in certain cases where said purchaser has died or shall hereafter die before the date of the patent or deed of conveyance;

Which were each read a second time and referred to the committee on claims.

No. 75. An act for the relief of Anthony Haskett;

Which was read a second time and referred to the committee on canals and internal improvements.

No. 122. A bill to amend an act in relation to the Michigan road company, &c.

Was read a second time and referred to a select committee of Messrs. Palmer, Holman, and Suit.

No. 140. An act for the relief of Joel B. Cahoon;

Was read a second time and referred to the committee on claims;

No. 151. A bill for the location of a State road in the counties of Hendricks, Putnam and Montgomery;

Was read a second time and referred to a select committee of Messrs. Hostetter, Secrest and Harvey.

No. 154. A joint resolution on the subject of improving the mail communication between the Wabash valley and New Orleans;

Was read a second time and referred to a select committee of Messrs. Palmer, Battell, and Balding, with instructions.

No. 158. A bill relating to a settlement made by the agent of State with Leonard, Woodburn, and others;

Was read a second time, and referred to a select committee of Messrs. Julian, Miller, and Porter.

No. 91. An act in relation to brokers.

No. 106. An act to vacate offices when officers become insane.

No. 109. An act to incorporate a public seminary in the town of Aurora, in the county of Dearborn.

No. 115. An act for the relief of Andrew W. Baker and Rosanna Baker, his wife, and Alexander Mendenhall.

No. 120. A joint resolution on the subject of the improvement of harbors and rivers.

No. 124. An act to amend an act, entitled "An act to establish a turnpike road in the county of Adams," approved January 13th, 1845.

No. 126. An act to authorize the superintendent of the Wabash and Erie Canal to pay such equitable claims as counties and individuals may have, for surveying and locating the canal from Tippecanoe to Terre Haute.

No. 128. A bill to locate a State road in Daviess, Martin, and Dubois counties.

No. 149. An act extending the time of holding the probate court in Fountain county.

No. 150. An act to amend an act entitled, "an act to authorize the removal of obstructions in Big and Little Blue rivers, in Shelby county.

No. 155. An act for the relief of the prosecuting attorney in the 4th judicial circuit.

No. 187. An act to confirm a certain deed to the Methodist Episcopal Church of Greenfield, Hancock county;

No. 197. An act to amend an act entitled "An act to incorporate the Delphi Bridge Company.

Which were each read a first time, and ordered to a second reading.

No. 186. An act to authorize Horace B. Smith to settle with the sinking fund of the State.

Was read a second and third times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Senate bill, No. 135,

Was taken up, and the amendment of the Senate concurred in, with an amendment.

Ordered, That the clerk inform the Senate thereof.

No. 304. An act to reorganize the militia of the State of Indiana;

Was read a third time.

Amended by consent of the House, as follows: (offered by Mr. Nofsinger.)

"The counties of Knox and Sullivan shall form one brigade, the counties of Clay and Vigo one, the counties of Parke and Vermillion one, and the county of Putnam one."

On motion by Mr. Secrest,

The House adjourned until 2 o'clock, P. M.

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2 *o'clock, P. M.*

The House met.

Mr. Secrest, on leave, made the following report:

Mr. Speaker:

The standing committee of ways and means to whom was referred bill of the House, No. 314, have had the same under consideration, and have directed me that inasmuch as the claims provided for in said bill was submitted to the scrutiny of the committee on canals and internal improvements, and passed upon by said committee, to report said bill back to the House, and respectfully recommend its passage.

Said bill was read a second time, and ordered to be engrossed for a third reading.

Mr. Wolfe made the following report:

Mr. Speaker:

The committee to whom was referred House bill No. 112, an act to amend the existing laws in relation to the duty of executors and administrators in certain cases, have had the same under consideration, and have instructed me to report said bill without amendment,

and recommend its passage, and ask to be discharged from any further consideration thereof.

Which report was not concurred in, and said bill was laid on the table.

No. 304. An act to re-organize the militia of the State of Indiana;

Was read a third time; when

Mr. Hull moved to refer the bill to a select committee, with instructions to "amend so that there shall be but one regimental muster in two years."

Mr. Fuller moved the previous question,

Which was seconded by the House;

And the question then being,

"Shall the main question be now put?"

It was decided in the affirmative.

And the main question being:

"Shall the bill pass?"

Messrs. Harvey and Hamilton demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Arnold, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Colms, Crookshank, Deam, Decker, Dobson, Dole, Dowling, Dunham, Edwards, Ferguson, Fuller, Gilleece, Griffis, Green, Hall of Posey, Hamilton, Hanna, Hatfield, Hendricks, Hill, Holland, Holman, Hostetter, Huff, Huffstetter, Hull, Johnson, Jones of Blackford, Jones of Greene, Lemmonds, Lewis, Logan, Lutz, Mason, May, Miller, Monk, Neal, Nofsinger, Osborn, Parker, Parks, Porter, Scott, Secrest, Sleeth, Smiley, Stewart of Fayette, Suit, Tackett, Trimble, Watts, Wiley, Wilson, Wise, Wolfe, Woodruff, and Young—66.

Those who voted in the negative are,

Messrs. Addleman, Brown, Cassatt, Cravens, Gordon, Hall of Warren, Harding, Harlan, Harvey, Hicks, Huddleston, Hunt, Julian, Kerr, McCormack, Meredith, Moore, Noel, Powell, Shields, Stewart of Laporte, Summers, Thompson, and Mr. Speaker—23.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate, by Mr. Jones, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof.

No. 10. A bill relative to the printing of certain laws therein named;

No. 172. A bill fixing the annual compensation to the auditor of Delaware county;

No. 173. A bill for the relief of Susan E. Burner of the county of Washington;

No. 174. A bill for the relief of Melvina Noblit of the county of Lawrence;

No. 175. A bill for the relief of Lucinda Pinnick of the county of Orange;

No. 190. A bill to abolish the office of school commissioner in Jefferson county;

No. 191. A bill extending the provisions of the 50th chapter of part 3d of the Revised Statutes of 1843, to Hancock county;

No. 206. A bill providing compensation to supervisors of roads and highways in Rush county;

In which the concurrence of the House of Representatives is respectfully requested.

Bills Nos. 10, 172, 190, 191, and 206, in said message mentioned,
Were each read a first time, and ordered to a second reading.

Bills Nos. 173, 174, and 175,
Were read a first time, and rejected by the House.

A message from the Senate, by Mr. Jones, their secretary.

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed engrossed bills of the House, without amendment, as follows:

No. 170. A bill for the better protection of religious assemblies;

No. 171. A bill to relocate a portion of the State road in Carroll county;

No. 175. A bill to locate a State road in the counties of Madison and Grant;

No. 185. A bill to incorporate the trustees of the Underwood Burying Ground;

No. 207. A bill to locate a State road in the counties of Wells, Blackford, and Jay, in the State of Indiana;

No. 307. A bill changing the time of holding the probate court in the county of St. Joseph;

Also,

No. 156. A bill in relation to the common school fund in the county of Jackson;

No. 177. A joint resolution in relation to actual settlers on Congress lands.

Both with amendments, in which the concurrence of the House of Representatives in respectfully requested.

The amendments to said bill were read and concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Jones, their secretary:

MR. SPEAKER:

I have been directed by the Senate to inform the House of Representatives, that they have passed engrossed bills of the House, as follows:

No. 138. A bill to locate a State road in Randolph and Wayne counties;

No. 149. A bill authorizing the location of a State road in the counties of Kosciusko and Marshall;

No. 155. A bill to locate a State road from Logansport, to Marion, in Grant county;

No. 158. A bill to amend an act entitled, "an act to locate a portion of the State road leading from Greenfield, Hancock county, to Lebonon, Boone county," approved January 15, 1846.

No. 161. A bill for the safe-keeping of the records of Ohio county;

No. 166. A bill to locate a State road in the counties of Wells and Adams;

No. 169. A bill for the improvement of the Cambridge City and Fort Wayne State road in the county of Wells:

No. 240. A bill to incorporate the Christian Church, on White river, in Stony Creek township, Randolph county, Indiana;

Also,

No. 150. A joint resolution relative to the duties of the superintendent of the Central Canal;

All without amendment; and,

No. 167. A bill to locate a State road in the counties of Richardville and Carroll;

No. 215. A bill to amend an act entitled, "an act granting to the citizens of Madison and the town of Lawrenceburgh, a city charter," and also acts amendatory thereto.

With sundry amendments, in which the concurrence of the House of Representatives is respectfully requested.

The amendments to said bills were read, and concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Jones, their secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that they have passed engrossed bills of the House, as follows:

No. 40. To legalize the acts of masters in chancery in the county of Huntington.

No. 61. To extend the time of receiving work on road tax in the counties therein named.

No. 62. To amend an act, entitled "An act to compel speculators to pay a road tax equal to that paid by actual settlers," approved January 31, 1842.

No. 67. Fixing the time for the report of the trustees of the Indiana Asylum for educating the deaf and dumb.

No. 76. Defining the width of roads in the counties of Clinton and Tipton.

No. 79. To amend an act, entitled "An act to modify the thirtieth section, chapter sixteen, of the Revised Statutes," approved January 19, 1846.

No. 86. To extend the benefits of a certain act therein named to the counties of Clinton and Carroll.

No. 103. To repeal an act, entitled "An act for the protection of wild fruit growing on the public lands in the counties of Lake, Porter, Laporte, St. Joseph, Marshall, Fulton, and Kosciusko," approved January 13, 1844, so far as relates to the county of Pulaski.

No. 118. Amendatory to an act for the relief of Delaware and Grant counties, approved January 13, 1844.

No. 121. Authorizing the sale of section sixteen, in township numbar twenty-seven north, range seven east.

No. 123. To repeal the third section of an act, entitled "An act to provide for the re-appraisement of real estate heretofore appraised and subject to taxation," and for other purposes.

No. 131. Authorizing the Secretary of State to make a deed in a certain case.

No. 154. To amend an act, entitled "An act to incorporate the trustees of the Indiana Asbury University," approved January 10, 1837.

No. 209. To more particularly define the boundary line between the counties of Gibson and Warrick.

No. 226. To vacate certain streets and alleys in Cambridge City.

No. 227. For the relief of William Taggart and his securities.

No. 228. To legalize the proceedings of the board of commissioners of Adams county, and for other purposes.

No. 271. To amend the eighth section of an act regulating the fees and salaries of the several officers and persons therein named, approved February 7, 1831.

Also,

No. 220. A joint resolution of the General Assembly of the State of Indiana.

All without amendment.

The Senate have also passed engrossed bill of the House of Representatives,

No. 106. To amend the charter of the Hagerstown Canal Company, and to legalize their acts,

With an amendment, in which the concurrence of the House is respectfully requested.

Said amendment was read and concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Jones, their secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that they have passed engrossed bills of the Senate, viz.:

No. 52. To amend the practice in the probate court.

No. 176. For the relief of persons therein named.

Also the following engrossed joint resolution:

No. 194. On the subject of arming our light companies with rifles.

In which the concurrence of the House is respectfully requested.

Said bills were each read a first time and ordered to a second reading.

I am also directed by the Senate to inform the House that the Senate have concurred in the several amendments of the House to bills of the Senate:

No. 13. To repeal certain special laws in force in the 11th judicial circuit.

No. 34. To extend the time of working out the road tax in the several counties therein named.

No. 103. To give additional time to the probate court in Monroe county.

A message from the Senate, by Mr. Jones, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed engrossed bills thereof, as follows:

No. 135. Requiring owners or occupiers of mills on Eel river to make and construct a slope in their respective mill dams.

No. 146. To amend an act, entitled "An act to incorporate the Richmond Turnpike Company," approved January 15, 1844.

No. 152. To abolish the office of justice of the peace in Yorktown, Delaware county, Indiana.

No. 153. To vacate a road in the town of Lawrenceburgh.

No. 156. To repeal "An act to incorporate the Morgan County Seminary," approved February 7, 1838.

No. 159. To amend the eighth section of an act regulating the fees and salaries of the several officers and persons therein named, approved February 7, 1831.

No. 160. To change the name of the town of Canton, in Tipton county.

No. 164. To authorize county auditors to sell lands at private sale which have been bid in for the use of the school fund.

No. 166. To change a certain State road therein named in the counties of Lawrence and Monroe.

No. 167. To authorize the auditor and school commissioner of Jay county to sell the school section in township twenty-four north, of range fourteen east, in Jay county.

No. 168. For the relief of purchasers of seminary lands in Gibson and Monroe counties.

And also joint resolutions,

No. 131. A joint resolution expressive of the approbation of the General Assembly of the State of Indiana of the Mexican war.

No. 143. Relative to the sale of intoxicating liquors to Indians.

In all of which the concurrence of the House of Representatives is respectfully requested.

The bills in said message mentioned, were each read a first time and ordered to a second reading.

Mr. Dole moved to reconsider the vote on the passage of bill,

No. 263. An act to incorporate the White River Canal Company;

Which motion prevailed,

And said bill was then recommited to a select committee of Messrs. Dole, Noel, and Cassatt, with instructions to make the following amendment:

Provided, That said company shall pay into the State treasury in five equal annual payments, (the first payment to be made within one year from the formation and organization of said company,) the amount that has been or may be expended in pursuance of the provisions of this act in relation to the northern division of the Central Canal, approved January 13, 1846, in the necessary repairs of all damages done to said canal which has occurred since August 1, 1846.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Ferguson, the petition of 300 citizens of Clark county, praying for a change in the probate system in said county, by making the probate judge perform the duties of the probate court.

Which was referred to the judiciary committee.

By Mr. Ferguson, the remonstrance of 432 citizens of the same county against the said petition.

Which was referred to the judiciary committee.

By Mr. Hunt, the petition of William Ingram and others in relation to a State road in St. Joseph county;

Which was referred to the committee on roads.

By Mr. Stewart of Fayette, the petition of the directors of the White Water Valley Canal Company;

Which was referred to a select committee of Messrs. Stewart of Fayette, Julian, and Thomas.

By Mr. Anthony, the petition for the amendment of the act of incorporation of the New Albany and Corydon Turnpike Company;

Which was referred to a select committee of Messrs. Anthony, Porter, and Dunham.

By Mr. Julian, the petition of Stephen Coffin and others for an act incorporating the town of Williamsburg, in Wayne county, Indiana.

Which was referred to a select committee of Messrs. Julian, Stewart of Fayette, and Cravens.

By Mr. Carnan, the petition of a number of citizens of the county of Knox relative to the fees of the officers of said county.

Which was referred to a select committee of Messrs. Carnan, Dole, and Wolfe.

Mr. Hunt made the following report:

Mr. Speaker:

The committee on education to whom was referred the bill of the House No. 338, entitled "An act to provide for German schools in Hancock county," together with instructions to amend the same by inserting the State of Indiana, have considered the subject, and directed me to report the same back to the House, in accordance with said instructions, with one amendment, as follows:

Said amendment (which is a new bill) was concurred in by the House, and

Said bill was read a second time, and lost on the question of its engrossment.

Mr. Julian made the following report:

Mr. Speaker:

The judiciary committee, to whom was referred bill of the House No. 49, have had the same under consideration, and have directed me to report the same back to the House, with one amendment, to-wit: Strike out section 2nd, and insert the following amendment: and as amended, the committee recommend its passage.

Amend as follows:

Sec. 2. That before said executors shall proceed to sell the real

estate referred to in the first section of this act, they shall give bond with security, to be approved of by the Wayne probate court, in a penalty double the appraised value thereof.

Sec. 3. This act to be in force from and after its passage.

Said amendments were concurred in, and said bill

No. 49. A bill to authorize the executors of the will of Jacob Sinks, deceased, to sell certain real estate;

Was read a second time and ordered to be engrossed for a third reading.

Mr. Julian made the following report:

Mr. Speaker:

The judiciary committee, to whom was referred bill of the House No. 318, have had the same under consideration and have instructed me to report that, in accordance with the instructions of the House, they have made the following amendments, to-wit: and the committee recommend the indefinite postponement of the bill and ask to be discharged, &c.

The amendment mentioned in said report is the following:

Strike out Washington county whereever it occurs, and insert the "several counties in the State."

The question being on the indefinite postponement of said bill,

Messrs. Green and Dunham demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Brown, Carr of Clark, Clark, Cravens, Deam, Decker, Dobson, Edwards, Ferguson, Gordon, Griffis, Hall of Warren, Hicks, Hill, Hostetter, Huff, Hunt, Johnson, Jones of Greene, Julian, Kerr, Lemmonds, Lewis, Logan, May, Moore, Scott, Secrest, Sleeth, Stewart of Fayette, Stewart of Laporte, Trimble, and Woodruff—35.

Those who voted in the negative are,

Messrs. Arnold, Balding, Carr of Lawrence, Carnahan, Cassatt, Colms, Crookshank, Dunham, Fuller, Green, Hall of Posey, Hanna, Harding, Harvey, Hatfield, Hendricks, Holland, Holman, Huddleston, Huffstetter, Hull, Lutz, Mason, McCormack, Meredith, Miller, Monk, Neal, Noel, Nofsinger, Norton, Osborn, Parker, Parks, Porter, Powell, Shields, Smiley, Suit, Summers, Tackett, Tebbs, Thomas, Watts, Wilson, Wise, Wolfe, Yaryan, Young, and Mr. Speaker—50.

So said bill was not indefinitely postponed; when,

On motion by Mr. Dunham,

The amendment as reported by the committee, was laid on the table.

Said bill was then ordered to be engrossed for a third reading.
Mr. Julian made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred bill of the House, No. 88, have had the same under consideration and have directed me to report the same back to the House and recommend its indefinite postponement, and the committee ask to be discharged.

No. 88. A bill fixing the salary of the auditor of Miami county;
Was read a second time and laid on the table.
Mr. Julian made the following report:

Mr. Speaker:

The judiciary committee, to whom was referred bill of the House No. 373, entitled "A bill to authorize the people of the several townships of the several counties, to prohibit the retailing of spiritous liquors," have had the same under consideration, and have directed me to report it back to the House, with the following amendments, to-wit: Strike out all after the enacting clause and insert the following; and recommend the passage of the same as amended.

Said bill was read a second time, when,
Mr. Neal moved to indefinitely postpone the bill and amendments.
On which motion,
Messrs. Neal and Noel demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Arnold, Balding, Colms, Neal, and Suit—5.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Brown, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Cassatt, Clark, Cravens, Crookshank, Deam, Decker, Dobson, Dole, Dowling, Dunham, Edwards, Ferguson, Gilleece, Gordon, Griffis, Green, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Harvey, Hatfield, Hendricks, Hicks, Hill, Holland, Holman, Hostetter, Huddleston, Huff, Huffstetter, Hull, Hunt, Johnson, Jones of Blackford, Jones of Greene, Julian, Kerr, Lemmonds, Lewis, Logan, Lutz, Mason, May, McCormack, Meredith, Miller, Monk, Moore, Noel, Nofsinger, Norton, Osborn, Parks, Porter, Powell, Scott, Secrest, Smiley, Stewart of Fayette, Stewart of Laporte, Tackett, Thomas, Thompson, Trimble, Watts, Wiley, Wilson, Wise, Wolfe, Woodruff, Yaryan, Young, and Mr. Speaker —82.

So said bill was not indefinitely postponed.

Said amendments, a new bill, were then concurred in by the House, when,

Mr. Thompson offered the following amendments:

Amend so that it shall require a petition of a majority of the voters of each township, to the board doing county business, to authorize them to grant license; and, when in a town, a majority of the voters of the town;

Which was not adopted.

The counties of Harrison and Rush were then excepted from the provisions of the bill;

And the bill was ordered to be engrossed for a third reading.

Mr. Ferguson made the following report:

Mr. Speaker:

The committee on the affairs of the State Prison, to which was referred bill of the House No. 354, have considered the same and have directed me to report the same back to this House, without amendment, for its further action, and ask to be discharged from any further consideration of the snbject.

No. 354. A bill authorizing the Governor to contract for the completion of the State Prison, and for other purposes;

Was read a second time, when,

On motion by Mr. Ferguson,

The blank in said bill was filled up by inserting "three thousand."

Said bill was then referred to a select committee of Messrs. Carr of Lawrence, Dunham, and Shields.

Mr. Thompson made the following report:

Mr. Speaker:

The committee on claims, to which was referred a bill of the Senate, No. 47, entitled "An act for the relief of Ellen Bigger, widow of Samuel Bigger, deceased, have examined it and have instructed me to report it without amendment, and recommend its passage.

Said bill was read a second time and ordered to be engrossed for a third reading.

Mr. Hamilton made the following report:

Mr. Speaker:

The select committee to whom was referred bill of the Senate No. 57, entitled "An act to create the 13th judicial circuit, and to re-organize the 3d judicial circuit," have had the same under consideration, and believing that the passage of the said act would mate-

rially subserve the public interest in the 3d, 5th and 6th judicial circuits, report said act to the House, without amendment, and respectfully recommend its passage.

Said bill was read a second time and ordered to be engrossed for a third reading.

Mr. Hanna made the following report:

MR. SPEAKER:

The select committee, to which was referred bill No. 350 of the House, have had the same under consideration, and have directed me to report the same back to the House with the following amendment, and recommend its passage.

No. 350. An act in relation to the side cut constructed by the Delphi Storage and Forwarding Company.

The amendment to said bill is as follows:

"And provided further, that the stockholders in said cut shall relinquish to the State all their right, title and interest in and to the same to the State of Indiana, which relinquishment shall be in writing and filed in the office of the Auditor of State;

Which was concurred in by the House, and said bill was ordered to be engrossed for a third reading.

Mr. Huddleston made the following report:

MR. SPEAKER:

The select committee, to whom was referred a petition of sundry citizens of Rush county, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 374. An act declaring Little Blue river a public highway, in Rush county;

Was read first a time and ordered to a second reading.

Mr. Suit made the following report:

MR. SPEAKER:

The select committee, to which was referred bill of the House No. 268, entitled "An act authorizing the probate judge of Dearborn county to take and certify the acknowledgment of deeds, &c., and for other purposes," have had the same under consideration, and have directed me to report the following (which is a new bill) as a substitute, and recommend its passage.

Said amendment (a new bill) was concurred in by the House,

and said bill read a second time and ordered to be engrossed for a third reading.

Mr. Stewart of Laporte made the following report:

Mr. Speaker:

The select committee, to whom was referred a resolution of inquiry into the expediency of passing a law to prevent the spread of Canada thistles, have had the same under consideration, and directed me to report the following bill, and recommend its passage:

No. 375. A bill to prevent the spread of Canada thistles;

Was read a first time, and ordered to a second reading.

Mr. Hatfield made the following report:

Mr. Speaker:

The select committee, to which was referred House bill No. 366, have had the same under consideration, and a majority thereof have instructed me to report the same back without amendment, and recommend its passage, and they ask to be discharged.

No. 366. An act providing for the election of township assessors in Hancock county;

Was read a second time and ordered to be engrossed for a third reading.

Mr. Stewart of Fayette made the following report:

Mr. Speaker:

The select committee, to which was referred the petition of the directors of the White Water Valley Canal Company, have instructed me to report the following bill in accordance with the prayer of the petitioners, and to recommend its passage:

No. 376. A bill for the relief of the White Water Canal Company;

Was read a first time and ordered to a second reading.

Mr. Anthony made the following report:

Mr. Speaker:

The select committee, to whom was referred the petition of John Brown and others, have had the same under consideration, and have instructed me to report the accompanying bill, and recommend its passage:

No. 377. A bill relative to overseers of the poor in Floyd county;

Was read a first time and ordered to a second reading.

Mr. Norton made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of sundry citizens of Elkhart county, on the subject of legalizing the proceedings of the county board of said county, have had the same under consideration, and have unanimously instructed me to report the following bill, and recommend its passage:

No. 378. An act to legalize an act of the board of county commissioners of Elkhart county;

Was read a first time and ordered to a second reading.

Mr. Stanfield made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred the petition of sundry citizens of Jefferson county, praying an amendment to the 11th section of "An act to amend an act entitled an act supplemental to an act subjecting real and personal property to execution," approved February 11, 1843, so as to exempt the provisions of said act from being hereafter extended to any judgment or decree that may be rendered against any corporation, aggregate or sole, have had the same under consideration, and directed me to report that, in the opinion of the committee, the prayer of the petitioners ought not to be granted;

Which was concurred in.

Mr. Stanfield made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred a resolution of the House, instructing the committee to inquire into the expediency of so amending section 44, chapter 46, of the Revised Code of 1843 as to permit the complainant in a bill in chancery to waive in his bill the oath of the defendant or defendants to the answer to said bill, and that when such oath is so waived the testimony of two witnesses or of one witness and corroborating circumstances shall not be necessary to the recovery of a decree," have had the same under consideration, and are of opinion that further legislation upon that subject is unnecessary;

Which report was concurred in.

Mr. Stanfield made the following report:

Mr. Speaker:

The committee on the judiciary, to which was referred bill of the House No. 281, "Relating to auditor's fees in Bartholomew county," have had the same under consideration, and directed me to report the same back without amendment, and recommend that it be laid upon the table;

Which was not concurred in, and said bill was read a second time and ordered to be engrossed for a third reading.

Mr. Tait made the following report:

Mr. Speaker:

The committee on enrolled bills have compared the following en rolled with the engrossed bills, and find them correctly enrolled.

No. 283. An act to legalize the qualification of sheriff in the county of Wabash.

No. 75. An act entitled an act, declaring a part of Salt Creek a public highway, approved February 13, 1840.

No. 114. An act to change the name of Ellen Loudenberger, to that of Ellen Lomax.

No. 141. An act in relation to roads and highways in Putnam county.

No. 10. An act explanatory of the act therein named.

No. 265. An act to vacate certain streets and alleys in the town of Noblesville, Hamilton county.

No. 216. An act for the further relief of the volunteers of the State of Indiana.

No. 113. An act for the relief of John McIntire, Clark M. Anthony, Joseph P. Glezer, and for other purposes.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

Mr. Cassatt made the following report:

Mr. Speaker:

The select committee to whom was referred joint resolution of the House No. 306, relative to Wabash and Erie Canal Scrip, have duly considered that subject, and now submit the following report. Your committee, in the investigation of this subject, have thought proper to inquire into the origin of the basis upon which the different kinds of scrip have been issued for the prosecution of the Wabash and Erie Canal, for the purpose of ascertaining the reasons which have caused previous legislatures to separate the lands granted by Con-

gress for the construction of said canal. The attention of your committee was first called to the terms of the grant made by the United States to this State, and from their examination of the subject, have come to the conclusion that there never was but one grant of lands made by the United States for that part of the canal between the lakes and Terre Haute; that that grant was made for the express purpose of connecting the waters of the lake with the navigable waters of the Wabash, leaving that point to be selected by the State of Indiana. Under this grant, the State proceeded to locate said canal through the northern portion of the State to the mouth of the Tippecanoe river, and selections of lands were made for that portion of said canal, under the impression that the Wabash river was navigable to that point. But this impression was found to be erroneous, and selection of lands were afterwards made to construct the canal so far as Terre Haute. A report of the latter selection was regularly made to the commissioner of the general land office. The length of time which elapsed between the different selections of land above alluded to, created doubts in the mind of that officer in relation to the right of the State to this second selection of lands, and the subject was by him referred to the President of the United States, who laid the same before Congress for their action. The Congress of the United States after investigating the subject, confirmed to the State of Indiana this selection of lands, not as a new grant, but as lands to which the State had the right under the original grant made to connect the waters of the lake with the navigable waters of the Wabash. From these facts, your committee could come to no other conclusion than that there was but one grant of lands, and that grant was made but for one specified purpose, and that any act of the legislature to divert these funds from that purpose, or in any way appropriate the proceeds of said lands so that they will not in the fullest manner contribute to the completion of said canal to Terre Haute, will not only injure the State in a pecuniary point of view, but is a breach of the trust confided to her by the Congress of the United States.

Your committee would respectfully suggest, that in accepting said lands from the General Government, the State of Indiana not only pledged the faith of the State for the final completion of said canal, but that it should be completed within twenty years, (which period will expire the present year,) and your committee believe, that the canal would have been completed within the specified time, had not the legislature in 1842 diverted a portion of said grant of lands from their legitimate purpose. Nor can your committee conceive how the State has been or can be benefitted by the distinction made between the Wabash and Erie Canal east, and the Wabash and Erie Canal west, of Lafayette. It is as before said, one work belonging to one State, and constructed with one fund. Its expenditures, be they more or less, must be derived from this fund; and its profits,

whether east or west of Lafayette, go to the benefit of the whole State. Therefore, all unnecessary delay in the prosecution of said canal by locking up by legislative enactments any portion of the common fund originally designed for its construction, must operate to the injury of the State, without any corresponding good arising either to the State or any portion of her citizens. Your committee would suggest that ——— miles of this great work is completed, while there remains but thirty-five or forty miles to be finished north of Terre Haute, and that by the law of 1842 requiring the funds of said canal east and west of Lafayette, to be kept separate, about $250,000 of the fund which should rightfully be appropriated to the final completion of this work, is cut off from it, and lying useless either to the canal or State. Believing that the law referred to is working injury to the State by requiring two canal land offices to be kept up, two sets of books, and compelling boats to take two clearances in the State of Indiana, and all the incidental expenses necessary to carry out the same, as well as indirectly violating the trust committed to the State by the General Government.

Your committee would respectfully urge that the law referred to be abolished, and that this fund donated by Congress, be applied in the most judicious and speedy manner to its original object. Your committee, in answer to some of the objections assigned against the uniting the funds of this work, beg leave to say, that the acts of Congress on this subject are a positive, and as your committee believe, an unanswerable refutation to the argument of those who claim that the grants were separate and distinct grants, and that the work east of Lafayette has any greater claims either upon any portion of the donation of lands, or upon the guardianship of the State, than that portion of the work west of Lafayette.

There is, however, in the opinion of your committee, an objection worthy of some consideration, which is, that the scrip issued for that portion of the work east, and the scrip issued for that portion of the work west of Lafayette, bear at present an unequal intrinsic value, and it is objected to amalgamate the two, for the reason that one will depreciate while the other will advance, in market value. But in answer to this, it should be recollected, that both denominations of scrip are issued as money on the part of the State, and redeemed at par; consequently the State, as your committee believe, is in no way bound to legislate with a view to any other than the maintenance of a par value to this currency. Notwithstanding, if the previous action of the legislature, the acts of individuals, or the depression of business generally, has tended to the depression of this currency below what it is intrinsically worth, in the purchase of lands from the State, yet your committee believe the legislature can be under no obligation, either express or implied, to maintain this state of things, merely that the means of payment may be easily obtained by the purchasers of canal lands; but on the other hand, believe it to be the duty as well as the interest of the legislature in acting upon this

subject, to provide such laws as will produce the largest amount of labor on the canal, from the amount of scrip issued for its completion. Your committee have therefore instructed me to strike out the joint resolution from its enacting clause, and substitute the following bill in lieu thereof, and recommend its passage.

Pending further action thereon,
On motion by Mr. Carr of Lawrence,
The House adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, JANUARY 13, 1847.

The House met pursuant to adjournment.

The question before the House at the adjournment on last evening, was on concurring in the report of the committee on joint resolution,

No. 306. A joint resolution in relation to Wabash and Erie canal scrip;

Mr. Parks moved that the joint resolution be indefinitely postponed.

Mr. Dole moved that the same be laid upon the table for the present.

Which motion prevailed.

Mr. Secrest, on leave given, made the following report:

MR. SPEAKER:

The committee of ways and means have considered the subject of raising revenue for State purposes, for the year 1847, and have instructed me to report the following bill on that subject, and respectfully to recommend its passage:

No. 380. An act to raise a revenue for State purposes for 1847;

Was read a first time and ordered to a second reading.

Mr. Hull, on leave, introduced joint resolution,

No. 381. A joint resolution in relation to the "School Friend" newspaper.

Mr. Cassatt, on leave, introduced bills,

No. 382. An act authorizing certain officers therein named to refund moneys improperly paid into their respective offices;

No. 383. An act supplementary to an act entitled "An act for the relief of David Burr;"

Which were each severally read a first time and ordered to a second reading.

Mr. Tackett, on leave given, offered the following:

Resolved, That the committee on canals and internal improvements be instructed to inquire what amount of damage has been sustained by the canal and feeder dam near the Bluffs of White river, by the recent flood, and that they be instructed further to inquire into the expediency of reporting to this House such action as they may deem expedient for repairing such damage, so as to secure to the lessees of water power in such vicinity, the full benefits of their contracts.

Which was adopted.

Mr. Stanfield, on leave, made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred the memorial of William G. Ewing and others, praying that articles of impeachment might be preferred against George Johnson, probate judge of the Allen county probate court, have had the same under consideration and directed me to make the following report: That they have attentively heard the evidence in support of the charges in said memorial.

The first is as follows: At the last term of the Allen circuit court one Charles Engleman, (then being in the county jail under a commitment from a justice of the peace,) was indicted for stealing fifty-four dollars worth of county orders, that after the circuit court had fixed the amount of bail at $1500, Judge Johnson, on the 4th of November, on the petition of Engleman, ordered a writ of habeas corpus to be issued for Engleman, upon which he was brought before Judge Johnson between nine and ten o'clock at night, and the amount of bail required by the circuit court reduced to $500, and Engleman let to bail on the recognizance of one Conrad Nill at that time notoriously insolvent. It is true that Judge Johnson did reduce the bail from $1500 to $500, but the committee cannot perceive that he was actuated by corrupt motives. The usual amount of bail required by the circuit court in that circuit for such offences has ranged from $250 to $500. The testimony leaves a good deal of uncertainty not only as to the notoriety of Nill's insolvency, but as to the fact of his insolvency. This uncertainty seems to arise from two facts, the one that Nill had been worth considerable property, but had, some six or eight months ago, made a fraudulent conveyance of his real estate to his father-in-law, to prevent the creditors of a mercantile house in Fort Wayne, with which he was involved, making his property subject to the payment of their claims. The other, that it was generally understood about the time Nill became

Engleman's bail, that he had been discharged from all or nearly all of his debts, without much loss, and in that event would be worth about $2000. That Judge Johnson's conduct was very imprudent, and careless of the public good there can be no doubt. He should have sworn Nill and examined him upon his oath as to his ability to pay the amount of his recognizance before he accepted him as the bail of Engleman. The committee, however, have not been able to perceive that he was actuated by improper or corrupt motives.

The second charge is that of bribery, and is as follows: Sometime in the latter part of February, 1845, one George W. Collar was desirous of being appointed administrator of the estate of Ebenezer Collar, deceased, and to induce Judge Johnson to give him the appointment, he agreed to pay him one hundred dollars, and did afterwards give Judge Johnson his two promissory notes of $50 each. This charge is supported by no other evidence than Collar's. From his manner in testifying, the contradictions in his testimony, and the very apparent want of principle in the witness, have induced the committee to place but little reliance upon his testimony.

The committee are therefore of opinion that articles of impeachment ought not to be preferred against the said George Johnson, and pray to be discharged from the further consideration of the subject.

Which report was concurred in.

The House then resolved itself into a committee of the whole on the special order of the day, bill

No. 353. A bill supplementary to an act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville," approved January 19th, 1846;

With Mr. Miller in the chair;

And after some time spent therein,

The committee rose and the chairman reported that the committee, according to order, had had said bill under consideration, but were not enabled to come to any definite action on the same, and respectfully requested leave to sit again.

Which request was granted by the House.

On motion by Mr. Suit,

The House adjourned until two o'clock, P. M.

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2 o'clock, P. M.

House met.

And resolved itself into committee of the whole on the special order of the day, bill No. 353,

With Mr. Miller in the chair;

And after some time spent therein,

The committee rose and the chairman reported that the committee according to order, had had the said bill under consideration, and came to sundry amendments, but was not enabled to complete the business before them, and respectfully ask leave to sit again;

Which was granted by the House.

Mr. Parker, on leave given, introduced the following bill:

No. 384. An act making provision for the payment of the witnesses who attended before the judiciary committee of the House of Representatives in relation to the charges preferred by W. G. Ewing and others against the probate judge of Allen county;

Which was read a first and second times, the rules being suspended, and referred to the committee on claims.

Mr. Stewart of Fayette, on leave, introduced bill

No. 385. A bill to amend the act incorporating the town of Connersville, in the county of Fayette, approved February 15, 1841;

Which was read a first time and ordered to a second reading.

Mr. Palmer, on leave, made the following report:

Mr. Speaker:

The select committee to which was referred Senate bill, No. 93, have, after having the same under consideration, directed me to report the same back to the House with one amendment, and recommend its passage.

Thirteenth section, insert: *Provided*, The said corporation shall have no power, authority or right to take from said canal any more water than shall be used in and be necessary for the purpose of locking boats from said canal into the pool of said dam, and for no other purpose whatever.

Which said amendment was concurred in, when

Mr. Palmer offered the following amendment:

"Strike out all that portion of the bill which authorizes the erection of a dam across the Wabash river."

Which was,

On motion by Mr. Meredith,

Laid on the table.

Mr. Palmer then offered the following amendment:

"Said company shall at all times keep said lock in complete repair, so that boats can at any and all times pass the same without hindrance or delay."

Which was adopted.

Mr. Palmer also offered the following amendment:

"Strike out the words "whenever said corporation shall violate any provisions of this act."

Which was,

On motion by Mr. Suit,
Laid upon the table.
Mr. Palmer then offered the following amendment:
"Said company shall attend to said lock faithfully, and let boats through without delay."
Which was,
On motion by Mr. Meredith,
Laid on the table.
Mr. Thompson moved to lay the bill on the table.
Which motion did not prevail.
Mr. Suit moved the previous question.
Which was seconded by the House.
And the previous question being,
"Shall the main question be now put?"
It was decided in the affirmative.
And the main question being,
"Shall the bill and the amendments be engrossed, and the bill be ordered to a third reading on to-morrow?"
Messrs. Logan and Decker demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Arnold, Cassatt, Clark, Colms, Decker, Dobson, Dole, Edwards, Ferguson, Fuller, Gordon, Griffis, Green, Hall of Warren, Hamilton, Harding, Harlan, Harvey, Hendricks, Hicks, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Jenison, Johnson, Julian, Kerr, Lutz, Mason, M'Cormack, Meredith, Moore, Noel, Parks, Porter, Powell, Scott, Secrest, Sleeth, Smiley, Stanfield, Stewart of Fayette, Suit, Summers, Tait, Thomas, Thompson, Trimble, Watts, Wise, Yaryan, Young, and Mr. Speaker—58.

Those who voted in the negative are,

Messrs. Balding, Carr of Clark, Carr of Lawrence, Carnahan, Deam, Dunham, Gilleece, Hall of Posey, Hanna, Holman, Huffstetter, Jones of Blackford, Jones of Greene, Lemmonds, Lewis, Logan, May, Miller, Monk, Neal, Nofsinger, Norton, Osborn, Palmer, Parker, Shields, Tebbs, Wiley, Wilson, Wolfe, and Woodruff—31.

So said question was decided in the affirmative.
Mr. Stanfield on leave, offered the following:
Resolved, That the House will, the Senate concurring therein, proceed, at half past ten o'clock, A. M., on Thursday next, to the election of State Printer.
Mr. Miller moved that the resolution be laid upon the table.
On this motion,
Messrs. Colms and Meredith demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Arnold, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Crookshank, Deam, Dobson, Dunham, Fuller, Gilleece, Hall of Posey, Hanna, Hatfield, Holman, Huffstetter, Jenison, Johnson, Jones of Greene, Lewis, Logan, Mason, May, Miller, Monk, Neal, Nofsinger, Norton, Osborn, Palmer, Parks, Shields, Sleeth, Smiley, Tackett, Tait, Tebbs, Wiley, Wilson, Wolfe, Woodruff, and Young —42.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Brown, Battell, Cassatt, Clark, Colms, Dole, Dowling, Edwards, Ferguson, Gordon, Griffis, Green, Hall of Warren, Hamilton, Harding, Harlan, Harvey, Hendricks, Hicks, Hill, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Jones of Blackford, Julian, Kerr, Lemmonds, Lutz, M'Cormack, Meredith, Moore, Noel, Parker, Porter, Powell, Scott, Secrest, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Thomas, Thompson, Trimble, Watts, Wise, Yaryan, and Mr. Speaker—54.

So said motion did not prevail.

And said resolution was then adopted.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Governor, by Mr. J. McClane Hanna, his private secretary:

Mr. Speaker:

I am directed by the Governor to inform the House of Representatives that he did, on the 6th inst., approve and sign the following bills:

No. 92. An act to amend the first section of an act, entitled, "An act prescribing the mode of selecting pettit jurors in Sullivan county," approved January 6, 1846.

No. 68. An act to authorize the board doing county business in the county of Orange, to appoint an appraiser of real estate subject to taxation, at their March term, 1847.

No. 77. An act to change the name of James Morris Smith to that of James Morris Vestal.

No. 107. An act to change the names of Francis Anthony Fisher and Minerva Ridge, to the names of Francis Anthony Greenwood and Minerva Greenwood.

No. 65. An act to amend article one of chapter forty-two of the Revised Statutes, on the subject of liens of mechanics and others on buildings.

No. 101. An act to secure to Ohio county a share of the common school and surplus revenue funds, and for other purposes.

And that he did also, on the 8th inst., approve and sign the following bills:

No. 119. An act to amend an act, entitled "An act granting to the citizens of Madison and the town of Lawrenceburgh a city charter.

No. 122. An act authorizing the State Bank of Indiana to lay off, plat and record, in out-lots, certain lands adjoining and laying near to the town of South Bend, in St. Joseph county.

No. 128. An act to regulate the mode of doing county business in the county of Harrison.

No. 143. An act for the improvement of highways in Bartholomew county.

And that he did also, approve and sign the following bill on the 9th instant.

No. 159. An act authorizing the superintendent of the Wabash and Erie Canal to settle with Gookins, Barnes, and Thomas.

All of which originated in the House of Representatives.

January 12th, 1847.

Mr. Secrest, on leave, offered the following:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of providing by law for restoring mutilated and obliterated records, and perfecting incomplete records in the several courts of record in this State.

Which was adopted, and

On motion by Mr. Meredith,

The House adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, JANUARY 14th, 1847.

The House met pursuant to adjournment.

The special order of the day, bill No. 353, was,

On motion by Mr. Secrest,

Postponed until 10 o'clock, A. M.

On motion by Mr. Hendricks,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the fifth and sixth articles of chapter forty-five of the Revised Laws of 1843, as to authorize each justice of the peace, of any township in this State, to try with or

without a jury all cases of tenants holding over, and of forcible entry and detainer, and report by bill or otherwise.

Mr. Edwards offered the following resolution:

Resolved, That the committee on military affairs inquire whether the President of the United States has the constitutional power to appoint and commission officers of any rank, in the volunteer militia, when called into the service of the United States.

Resolved further, That said committee inquire whether, in the late exercise of this power by the President of the United States, the Constitution of the United States, and the rights of this State has not been encroached upon.

Which was laid on the table.

Mr. Watts offered the following:

Whereas, Miss D. L. Dix, of the city of Boston, for years passed has spent her time in visiting the various prisons, jails, and penitentiaries of the United States, inducing reform in their management, and alleviating the condition of their unfortunate inmates, and causing to spring up in her pathway hospitals and asylums:

Be it therefore unanimously resolved, That the House of Representatives entertain for the character of Miss D. L. Dix the highest respect, and that for her heroic devotion to the cause of benevolence, and wide spread sympathy for the sufferings of humanity, she is entitled to the thanks of this House, and the heartfelt gratitude of its members.

Be it also unanimously resolved, That the Speaker of this House furnish her with an attested copy of this resolution;

Which was so adopted.

On motion by Mr. Tait,

Resolved, That the door keeper of this House be ordered to procure a port folio for the use of the committee on enrolled bills.

Mr. Harvey offered the following joint resolution:

No. 386. A joint resolution in relation to granting land to Mr. Whitney to enable him to construct a Railroad from Lake Michigan to the Pacific Ocean;

Which was read a first time and ordered to a second reading.

BILLS INTRODUCED.

By Mr. Harvey:

No. 387. An act to amend an act entitled "An act for the relief of the securities of William H. Darnell, late school commissioner of Hendricks county," approved January 19, 1846.

By Mr. Wilson:

No. 388. An act authorizing the county commissioners of Noble county to make an allowance to the treasurer of said county for collecting road tax receipts.

By Mr. Ferguson:

No. 389. A bill for the relief of John Zulanf.

By Mr. Harvey:

No. 390. An act to repeal an act entitled "An act to regulate the attendance of grand and pettit jurors in the fifth judicial circuit," so far as relates to the county of Hendricks.

By Mr. Thompson:

No. 391. A bill to amend the 39th chapter of the Revised Statutes in regard to the duties of probate courts.

By Mr. Stanfield:

No. 394. A bill authorizing the trustees of school district No. 5, in section 37, range 3 east, in St. Joseph county to levy a tax to build a school house.

By Mr. Harvey:

No. 395. An act to authorize county auditors to sell real estate in certain cases;

Which were each severally read a first time and ordered to a second reading.

By Mr. Miller:

No. 392. An act for the relief of certain tax payers in the counties of Gibson and Warrick;

Which was read a first time, when

Mr. Fuller moved to reject said bill.

On which motion,

Messrs. Fuller and Miller demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Arnold, Balding, Carr of Clark, Carnahan, Cassatt, Clark, Dobson, Dole, Dunham, Edwards, Ferguson, Fuller, Gilleece, Gordon, Griffis, Green, Hall of Posey, Hall of Warren, Hamilton, Harding, Harlan, Harvey, Hendricks, Hill, Holland, Hostetter, Huddleston, Huffstetter, Hull, Hunt, Jenison, Johnson, Jones of Blackford, Julian, Lewis, Lutz, Mason, Meredith, Monk, Moore, Nofsinger, Parker, Scott, Shields, Stewart of Fayette, Suit, Tackett, Wise, Wolfe, and Young—53.

Those who voted in the negative are,

Messrs. Battell, Hicks, Holman, Lemmonds, Miller, Palmer, Parks, Porter, Powell, Secrest, Sleeth, Smiley, Stanfield, Summers, Trimble, Watts, Wiley, Woodruff, and Mr. Speaker—19.

So said bill was rejected.

By Mr. Smiley:

No. 393. An act to provide for a settlement with Jesse and Elias Beard;

Which was read a first and second times, the rules being suspended, and referred to the committee on claims.

Mr. Thompson, on leave, made the following report:

Mr. Speaker:

The committee on claims, to which was referred a bill of the House No. 384, entitled "An act making provision for the payment of the witnesses who attended before the judiciary committee of the House of Representatives, in relation to the charges preferred by William G. Ewing and others against the probate judge of Allen county," have, after examining its provisions, instructed me to make one amendment, to wit:

Strike it out and insert the following new bill:

Mr. Colms moved to amend "by striking out 55, and insert 65, where it occurs in said bill;

Which was laid on the table.

Mr. Shields moved to strike out $55, and insert $44;

Which was not adopted.

The amendment proposed by said committee was concurred in by the House, and,

On motion by Mr. Thompson,

$2.00 wherever it occurs was stricken out, and $1.25 inserted in lieu thereof.

Said bill was then read a second and third times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

The House then resolved itself into committee of the whole, on the special order of the day, bill No. 353, relative to the funded debt of the State,

With Mr. Miller in the chair, and

After some time spent therein, the committee rose, and the chairman reported that, according to order, the committee had had said bill under consideration, but had not made any considerable advancement on the matter before them, and respectfully requested leave to sit again;

Which was granted by the House.

The following message was received from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate have passed the following engrossed bill of the House, with one amendment:

No. 384. A bill making provision for the payment of the witnesses who attended before the judiciary committee of the House of Representatives, in relation to the charges preferred by William G. Ewing and others against the probate judge of Allen connty;

In which the concurrence of the House of Representatives is respectfully requested.

The amendment to said bill was read, when,

On the question of concurring in the same,
Messrs. Thompson and Sleeth demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Brown, Battell, Balding, Carr of Lawrence, Cassatt, Clark, Colms, Cravens, Crookshank, Dole, Dowling, Edwards, Fuller, Gilleece, Hall of Posey, Hall of Warren, Hamilton, Harding, Harlan, Hendricks, Holman, Hostetter, Hunt, Jenison, Johnson, Julian, Kerr, May, Meredith, Miller, Moore, Noel, Norton, Parker, Porter, Scott, Secrest, Smiley, Stanfield, Stewart of Fayette, Tait, Tebbs, Wilson, Wise, Woodruff, and Mr. Speaker—47.

Those who voted in the negative are,

Messrs. Addleman, Arnold, Carnahan, Deam, Decker, Dobson, Dunham, Gordon, Griffis, Green, Hanna, Harvey, Hatfield, Hicks, Hill, Holland, Huddleston, Huff, Huffstetter, Jones of Blackford, Jones of Greene, Lemmonds, Lewis, Logan, Lutz, McCormack, Monk, Neal, Nofsinger, Osborn, Parks, Powell, Shields, Sleeth, Stewart of Laporte, Suit, Summers, Tackett, Thomas, Thompson, Trimble, Wiley, Wolfe, Yaryan, and Young—45.

So said amendment was concurred in.
Ordered, That the clerk inform the Senate thereof.
On motion by Mr. Balding,
The House adjourned until two o'clock, P. M.

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2 *o'clock, P. M.*

The House met.
Mr. Anthony, on leave, made the following report:

Mr. Speaker:

The select committee to whom was referred the petition of William Hockaday and others, in relation to amending the charter of the New Albany and Corydon turnpike road, have had the same under consideration, and a majority of said committee have instructed me to report the accompanying bill, and recommend its passage.

No. 396. An act to amend an act entitled, "an act to incorporate the New Albany and Corydon Turnpike Company," approved January 20, 1846.

Was read a first time, and ordered to a second reading.

Mr. Miller made the following report:

Mr. Speaker:

The select committee to which was referred bill of the House No. 320. An act to regulate and change the time of holding courts in the 4th judicial circuit, and authorizing special chancery courts to be held therein, have had the same under consideration, and adopted the following amendment to the said bill which they recommend may be adopted by the House, and when so amended, they recommend the passage of said bill, and the committee ask to be discharged from the further consideration of the same.

The amendment is as follows:

Strike out all from the third section, including the same, and insert the following:

Sec. 3. That hereafter, when the Vanderburgh circuit courts at any regular term shall fail to dispose of the business before it during the time allotted by law to such court, the judges thereof shall be authorized to adjourn the sitting of said court to some specified time in vacation after the courts in said circuit, at their regular terms shall have been held and concluded; at which specifiedtime, said court so adjourned, shall proceed to hear and determine the causes not disposed of at the regular term, and complete the unfinished business thereof in the same manner that business is done atsuch regular term.

Sec. 4. Such court at any regular term shall, if deemed necessary, for the trial of causes left undisposed of at such term, direct that the jury attending such court for the last week of such regular term, shall attend at the time to which said court may be adjourned, and serve until discharged by the court; and such adjourned court shall be attended by the same judges and officers as the regular terms, and the same shall be deemed and taken as a part of the regular term of said court.

Sec. 5. The associate judges, jurors, and other officers of said adjourned court, shall be entitled to the same compensation that they are entitled to receive for their services at the regular term of said court.

Sec. 6. Witnesses subpœnaed for the regular term shall attend said adjourned term without further process therefor; and recognizances taken at the regular term for appearance from day to day shall be extended to the appearance at the adjourned term without taking further recognizances.

Sec. 7. If at any time any such adjourned court shall be sitting, any person or persons should be confined in the jail of the county of Vanderburgh for offences committed in said county, it shall be lawful for said court to re-assemble the grand jury at the regular

term, which jury after having been sworn and charged, shall inquire only of the offences alleged against persons confined in said jail, and if indictments should be found against any such persons by said grand jury, the indictment thus found, shall stand for trial the same as if the indictments had been found at the commencement of the term.

Sec. 8. The said court when so met, shall have all the powers incident to circuit courts, and issue all and every kind of process necessary to carry into effect the powers of said court.

Sec. 9. It shall be the duty of the clerk of said circuit court to give ten days notice of the time of holding the said adjourned term, by publication in a public newspaper published in said county.

Which said amendment was concurred in by the House, and the bill, as amended, read a second time, and ordered to be engrossed for a third reading.

Mr. Palmer, from a select committee, reported the following amendment to joint resolution of the Senate,

No. 154. A joint resolution on the subject of improving the mail communication between the Wabash Valley and New Orleans.

1st. After the words "cities in the south," in the preamble, add the following:

"And Whereas, an increasing and prosperous trade is rapidly growing up between the Wabash Valley and the city of New York by way of the Wabash and Erie Canal, and northern Lakes."

2d. After the words "Evansville to" on the second page, strike out the word "Lafayette," and insert the words "Toledo, Ohio."

Which amendments were concurred in by the House, and the bill, as amended, read a second time, and ordered to be engrossed for a third reading.

Mr. Norton, on leave, introduced the following bill:

No. 397. A bill to change the name of Ann Amanda Woodward.

Mr. Cassatt, on leave, introduced the following bill:

No. 398. An act authorizing Michael English to build a mill dam across the Salimania river.

Which were each read a first time, and ordered to a second reading.

A message from the Senate, by Mr. Jones, their secretary.

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill of the House, without amendment:

No. 284. A bill to provide for the further erection of the hospital for the insane, and for other purposes connected therewith.

Mr. Carr of Lawrence made the following report:

Mr. Speaker:

The select committee to which was referred bill of the House No. 354, entitled "A bill authorizing the Governor to contract for the completion of the State Prison and for other purposes," have, according to order, had the same under consideration, and have directed me to report it back to the House, with the following amendments, and when so amended, recommend its passage:

Amend the 1st section, in the 8th line, by striking out the words "keepers and;" and in the 13th line, by inserting before the word "erection" the words "completion and;" and in the 14th line by striking out after the word "as," the word "are," and insert the words "he may deem."

And in section 4th, after the words "accordance with," strike out the words "specification of."

And in section 7th, after the word "estimate," insert the words "subject to the approval of the Governor," also immediately after the words "account thereof," insert the words "subject to the like approval."

Pending the adoption of which,

The bill and amendments were laid upon the table.

Mr. Crookshank, on leave, made the following report:

Mr. Speaker:

The committee on benevolent and scientific institutions, to whom was referred a petition from the colored citizens of Jefferson county in regard to the injustice of the laws now in force in regard to colored people, and also asking a portion of the school funds, have had the same under consideration, and directed me to report that the first portion of said petition is now under investigation of a select committee, and the residue more properly belongs to the committee on education. The committee, therefore, ask to be discharged from the further consideration of the first part of said petition, and recommend that so much of said petition as relates to the school funds be referred to the committee on education, and ask to be discharged from the further consideration of the same.

Which report was concurred in by the House.

Mr. McCormack, on leave, made the following report:

Mr. Speaker:

The committee on benevolent and scientific institutions, to whom was referred the petition of sundry citizens of Decatur county, praying a repeal of the black laws, have had the same under consideration and directed me to report the same back to the House, and recommend

its reference to the select committee now having that subject under investigation and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Holman, on leave, presented the petition of sundry citizens of Miami county, relative to valuation and appraisement laws;

Which was referred to the committee on the judiciary.

Mr. Wolfe, on leave, presented the petition of sundry citizens of Sullivan county, to abolish the office of county auditor of said county;

Which was referred to a select committee of Messrs. Wolfe, Miller, and Dowling.

Mr. Lewis, on leave, presented a petition in regard to the relocation of a State road therein named.

Which was laid on the table.

Mr. Palmer, on leave, presented the petition of sundry citizens of Cass county, for the relief of the First Regular Baptist Church of Logansport;

Which was referred to a select committee of Messrs. Palmer, Holman, and Trimble.

The House then resolved itself into committee of the whole on the special order of the day, bill No. 353,

With Mr. Miller in the chair;

And after some time spent therein,

The committee rose, and the chairman reported that, according to order, they had had said bill under consideration, and adopted sundry amendments, but were not enabled to come to any definite action on the matter before them, and respectfully requested leave to sit again.

Which was granted by the House.

Mr. Noel, on leave, presented the petition of Robert Earl, asking for relief;

Which was referred to a select committee of Messrs. Noel, Fuller, and Jenison.

Mr. Dobson, on leave, presented a petition for an appropriation for the rebuilding a certain bridge;

Which was referred to the committee on roads.

Mr. Miller, on leave, presented the petition of David Thomas, asking for a divorce;

Which was laid upon the table.

BILLS INTRODUCED.

By Mr. Hull:

No. 399. A bill to encourage manufactures;

Which was referred to the committee on corporations.

By Mr. Hunt:

No. 400. A bill in relation to the seminary fund in Laporte county.

By Mr. Porter:

No. 401. A bill to authorize the auditor of Harrison county to make a deed therein named.

By Mr. Holman:

No. 402. A bill for the relief of the estate of William N. Hood, deceased.

By Mr. Palmer:

No. 403. A bill to amend an act entitled "An act to incorporate the Eel River Seminary Society," approved January 1, 1829, and for other purposes.

By Mr. Huffstetter:

No. 404. An act to repeal a certain act therein named relative to performing labor on roads and highways in Orange county.

By Mr. Hall of Warren:

No. 405. An act to extend the time of payment of the interest on certain funds therein named.

By Mr. Ferguson:

No. 407. A bill legalizing the election of certain justices of the peace in Clark county.

By Mr. May:

No. 408. A bill to amend the law now in force regulating the granting of license to tavern keepers, so far as relates to the county of Fountain.

By Mr. Palmer:

No. 409. A bill in reference to decrees in divorce cases.

By Mr. Julian:

No. 410. A bill to regulate the practice in case of impeachments.

Which were each severally read a first time and ordered to a second reading.

By Mr. Edwards:

No. 406. An act in relation to impeachments;

Was read a first and second times, the rules being suspended, and referred to the judiciary committee.

Mr. Meredith, on leave, made the following report:

Mr. Speaker:

The committee on roads, to whom was referred the petition of George Crist and others, of the counties of Cass and Pulaski, have had the same under consideration, and direct me to report a bill and recommend its passage, and the committee ask to be discharged from the further consideration of the subject.

No. 411. An act to locate a State road in the counties of Cass and Pulaski;

Was read a first time and ordered to a second reading.

Mr. Meredith, on leave, made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred the petition of John Commons and others, of Hamilton county, praying the location of a State road in said county, have had the same under consideration, and direct me to report a bill and recommend its passage, and the committee ask to be discharged from the further consideration of the subject.

No. 412. An act to locate a State road in Hamilton county;
Was read a first time and ordered to a second reading.
Mr. Meredith, on leave, made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred the petition of Abel Lomax and others, of the counties of Laporte and St. Joseph, praying the location of a State road in St. Joseph county, have had the same under consideration, and direct me to report a bill and recommend its passage, and the committee ask to be discharged from the further consideration of the subject.

No. 413. A bill to provide for the location of a State road in St. Joseph county;
Was read a first time and ordered to a second reading.
Mr. Watts, on leave, made the following report:

MR. SPEAKER:

The committee on benevolent and scientific institutions to whom was referred the report of the Trustees of the Indiana Asylum for the education of the deaf and dumb, have had the same under consideration, and directed me to report the following bill and recommend its passage:
No. 414. An act to authorize the erection of an institution for the deaf and dumb.

Was read a first and second times—the rules being suspended—and ordered to be engrossed for a third reading:
On motion by Mr. Hamilton,
Bill of the Senate,
No. 57. An act to create the 13th judicial circuit, and re-organizing the 3rd judicial circuit,
Was taken up, read a third time, and passed.
Ordered, That the clerk inform the Senate thereof.
Mr. Porter, on leave, made the following report:

Mr. Speaker:

The judiciary committee to whom was referred bill of the House No. 221, entitled "a bill to declare the meaning of an act therein named, have had the same under consideration, and have directed me to report the same back to the House, and recommend its passage.

Said bill was read a second time and ordered to be engrossed for a third reading.

On motion by Mr. Balding,

The House adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, January 15, 1847.

The House met pursuant to adjournment.

The following petitions were presented by leave of the House.

By Mr. Tait, the petition of sundry citizens of Dearborn county, praying to be attached to the county of Ohio.

Which was referred to a select committee of Messrs. Tait, Hamilton, and Tebbs.

By Mr. Wolfe, a petition on the subject of a new county out of Knox, Sullivan, and Greene.

Which was laid on the table.

By Mr. Brown, a petition relative to retailing spirituous liquors in Cass county.

Which was laid on the table.

By Mr. Hanna, a petition for the relief of Samuel Beaver.

Which was laid on the table.

By Mr. Osborn, the petition of sundry citizens of Sullivan county in relation to the school fund of said county.

Which was referred to a select committee of Messrs. Wolfe, Carr of Lawrence, and Julian.

By Mr. Hicks, the petition of William Bridges and others for the relief of the collector of Johnson county.

Which was referred to a select committee of Messrs. Hicks, Sleeth, and Noel.

By Mr. Holman, a petition in relation to canal lands.

Which was laid on the table.

On leave the following bills were introduced:

By Mr. Ferguson:

No. 416. An act for the relief of James Boyer, of Clark county.

By Mr. Neal:

No. 418. An act to establish public highways in the county of Boone.

By Mr. Watts:

No. 421. An act authorizing the loaning of University and College funds to the State.

Which were each severally read a first time and ordered to a second reading.

By Mr. Clark:

No. 415. An act in relation to a school district in Lagrange county.

By Mr. Hull:

No. 417. An act to provide for the holding of special terms of the circuit court in the county of Jefferson.

Which were each severally read a first and second times—the rules being suspended—and ordered to be engrossed for a third reading.

By Mr. Parker:

No. 420. An act abolishing the office of probate judge in Allen county, and to authorize the associate judges to hold said court.

Which was read a first and second times—the rules being suspended—and referred to the committee on the judiciary.

Mr. Tait, on leave, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Daniel Kelso and others, praying for the passage an act to change the name of the town of New York, in Switzerland county, to that of Florence, have had the same under consideration, and order me to report the accompanying bill, and recommend its passage:

No. 419. A bill to change the name of the town of New York, in Switzerland county, State of Indiana.

Was read a first time and ordered to a second reading.

Mr. Suit made the following report:

MR. SPEAKER:

The committee on elections to whom was referred resolution of the House, instructing said committee to inquire into the expediency of making the laws on the subject of naturalized foreigners voting more explicit, have directed me to report that they have had the same under consideration, and are unanimously of opinion that further legislation on that subject is inexpedient, and ask to be discharged from the further consideration of the subject.

Which was concurred in.

The House then resolved itself into committee of the whole on the special order of the day, bill No. 353, in relation to the funded debt of the State,

With Mr. Miller in the chair,

And after some time spent therein, the committee rose and the chairman reported, that according to order they had had said bill under consideration, and adopted sundry amendments, in which they ask the concurrence of the House; and the committee ask leave to be discharged from the further consideration thereof.

Which request was granted by the House, and the committee discharged.

On motion by Mr. Miller,

The amendments of the committee were taken up separately, as follows:

1st. "In second line, sixth section, strike out 'August' and insert 'November.'"

Which amendment was concurred in by the House.

2d. "In fourth line, sixth section, strike out 'October' and insert 'December.'"

Which was concurred in by the House.

3d. Amend the seventh section as follows:

Strike out the word "May," in the fourteenth line, and insert the word "August." Strike out the word "July," in the nineteenth line, and insert the word "October." Strike out the word "August," in the twentieth line, and insert the word "November."

Which amendment was concurred in by the House.

4th. Amend section seven by striking out "four," where it occurs in the fourth line, and insert "six."

Mr. Miller moved to concur in the amendment with the following amendment:

Strike out "six," and insert "five."

Mr. Porter demanded a division of the question.

Which was seconded.

And the question being on striking out "six millions,"

Messrs. Cravens and Secrest demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Brown, Balding, Battell, Carr of Lawrence, Carnahan, Clark, Crookshank, Dobson, Dole, Dowling, Dunham, Edwards, Fry, Fuller, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Harlan, Harvey, Hendricks, Hicks, Hill, Holland, Hostetter, Huff, Hull, Jenison, Jones of Blackford, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Lutz, Miller, Noel, Nofsinger, Osborn, Palmer, Parker, Parks, Porter, Scott, Secrest, Smiley, Stanfield, Stewart of Fayette, Tebbs, Thompson, Watts, Wilson, Wise, Wolfe, Woodruff, Yaryan, and Mr. Speaker—59.

Those who voted in the negative are,

Messrs. Addleman, Arnold, Carr of Clark, Cassatt, Colms, Cravens, Deam, Decker, Ferguson, Gilleece, Gordon, Griffis, Green, Hatfield, Holman, Huddleston, Huffstetter, Johnson, Julian, Mason, May, McCormack, Meredith, Monk, Moore, Neal, Powell, Shields, Sleeth, Stewart of Laporte, Suit, Summers, Tackett, Tait, Thomas, Trimble, Wiley, and Young—38.

So the word "six" was stricken out.

Mr. Harvey moved to fill the blank with "five millions five hundred thousand."

Mr. Powell moved to insert "eight millions."

Mr. Secrest moved that the amendment of Mr. Powell be laid upon the table.

On this motion,

Messrs. Powell and Colms demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Brown, Balding, Carr of Lawrence, Carnahan, Clark, Crookshank, Decker, Dobson, Dole, Dowling, Dunham, Edwards, Fry, Fuller, Gilleece, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Harlan, Harvey, Hatfield, Hendricks, Hicks, Hill, Holland, Holman, Hostetter, Huff, Hull, Hunt, Jenison, Jones of Blackford, Jones of Greene, Julian, Kerr, Lemmonds, Lewis, Logan, Lutz, Mason, May, Meredith, Miller, Moore, Noel, Nofsinger, Norton, Osborn, Palmer, Parker, Parks, Porter, Scott, Secrest, Sleeth, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Tait, Tebbs, Thompson, Watts, Wilson, Wise, Wolfe, Yaryan, and Mr. Speaker—71.

Those who voted in the negative are,

Messrs. Addleman, Arnold, Battell, Carr of Clark, Cassatt, Colms, Cravens, Deam, Ferguson, Gordon, Griffis, Green, Huddleston, Huffstetter, Johnson, McCormack, Monk, Neal, Powell, Shields, Suit, Summers, Tackett, Thomas, Trimble, Wiley, Woodruff, and Young—28.

So said motion prevailed.

The question then being on the adoption of the amendment of Mr. Harvey,

Mr. Huddleston moved to insert "five millions five hundred and forty-five thousand."

On this motion,

Messrs. Cravens and Huddleston demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Arnold, Brown, Balding, Carnahan, Clark, Cravens,

Crookshank, Deam, Decker, Fry, Gilleece, Green, Hanna, Harding, Hill, Holland, Hostetter, Huddleston, Huff, Huffstetter, Hull, Hunt, Johnson, Jones of Blackford, Julian, Lutz, Mason, May, Meredith, Moore, Norton, Parker, Porter, Powell, Smiley, Stewart of Fayette, Stewart of Laporte, Suit, Tackett, Tait, Tebbs, Thomas, Thompson, Wiley, Wilson, Woodruff, Yaryan, Young and Mr. Speaker—49.

Those who voted in the negative are,

Messrs. Addleman, Battell, Carr of Clark, Carr of Lawrence, Cassatt, Colms, Dobson, Dole, Dowling, Dunham, Edwards, Ferguson, Fuller, Gordon, Griffis, Hall of Posey, Hall of Warren, Hamilton, Harlan, Harvey, Hatfield, Hicks, Hostetter, Jenison, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, McCormack, Miller, Monk, Neal, Noel, Nofsinger, Osborn, Palmer, Parks, Scott, Secrest, Shields, Sleeth, Stanfield, Summers, Trimble, Watts, Wise, and Wolfe—48.

So said amendment was adopted.

The question then being on concurring in the amendment of the committee as amended by the House,

Messrs. Suit and Colms demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Arnold, Brown, Balding, Battell, Carnahan, Clark, Cravens, Deam, Decker, Dobson, Dole, Dunham, Edwards, Fry, Fuller, Gilleece, Green, Hall of Warren, Hamilton, Hanna, Harding, Harlan, Harvey, Hendricks, Hill, Holland, Holman, Hostetter, Huddleston, Huff, Huffstetter, Hull, Hunt, Jenison, Johnson, Jones of Blackford, Jones of Greene, Julian, Kerr, Lemmonds, Lewis, Lutz, Mason, May, Meredith, Miller, Monk, Moore, Nofsinger, Norton, Palmer, Parker, Porter, Powell, Scott, Secrest, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Tait, Tebbs, Thompson, Thomas, Trimble, Watts, Wiley, Wilson, Wise, Wolfe, Woodruff, Yaryan, Young, and Mr. Speaker—74.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Carr of Clark, Carr of Lawrence, Cassatt, Colms, Ferguson, Gordon, Griffis, Hall of Posey, Hatfield, Hicks, Logan, McCormack, Neal, Noel, Osborn, Parks, Shields, Sleeth, Suit, and Summers—22.

So said amendment as amended was concurred in.

Fifthly. Amend section 8th, in the fourth line, by striking out "August, 1847" and inserting "January, 1848," and in the 14th line by striking out "August, 1847," and inserting "January, 1848," and in the twenty-fourth line by striking out "October, 1847," and inserting

"March, 1848," and in the 27th line by striking out "August, 1847," and inserting "January, 1848;"

Which was concurred in with the following amendments:

By striking out "March, 1848," and inserting "December, 1847," and by striking out "January, 1848," and inserting "November, 1847."

Sixthly. Amend the 8th section by striking out the word "August" where it occurs and insert "November;"

Which amendment was laid upon the table.

Seventhly. Amend the 9th section by striking out "four" where it occurs in the fourth and twenty-second lines and insert "six;"

Which was concurred in by inserting in the place of "six," the words "five millions five hundred and forty-five thousand."

Eighthly. Strike out "May," in the 24th line and insert "August;"

Which was concurred in by the House.

Ninthly. End of section 12:

And provided further, that said trustees, and each and every of them, or any other person or persons by or on behalf of the subscribers to, or holders of, any stock set over on said canal shall be, and they are hereby expressly prohibited from buying or selling any canal land scrip, or from receiving the same in payment for any land, or on any account, at any sum less than the face of such scrip and interest thereon;

Which amendment was concurred in by the House.

Tenthly. Amend the 24th line by striking out the "first of May," and inserting the "first of August;"

Which amendment was concurred in by the House.

Eleventhly. At the end of the 10th section add "and no interest shall at any time be charged upon any semi-annual deficit of interest which the revenues of the canal shall fail to pay;"

Which was concurred in by the House.

Twelfthly. And be it further enacted, that the present General Assembly shall by joint ballot thereof elect a trustee on the part of the State, who shall in all things conform himself to, and be controlled by, this act, and the act to which this is supplemental.

This provision to have full force and effect, any thing in the 7th, or any other section of an act to which this act is supplemental, relative to the appointment of trustee on the part of the State by the Governor, to the contrary notwithstanding.

And it is further provided, that the said trustee shall not receive any compensation under said act, until the bondholders comply with this act and the act to which this is a supplement.

On concurring in which,

Messrs. Secrest and Harvey demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Brown, Battell, Cassatt, Clark, Colms, Cravens, Decker, Dole, Edwards, Ferguson, Fry, Gilleece, Griffis, Green, Hall of Warren, Hamilton, Harding, Harlan, Harvey, Hendricks, Hicks, Hill, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Jenison, Johnson, Julian, Kerr, Lemmonds, Lutz, Meredith, Monk, Moore, Noel, Parker, Porter, Powell, Scott, Stanfield, Stewart of Fayette, Stewart of Laporte, Summers, Tait, Tebbs, Thomas, Thompson, Trimble, Watts, and Wise—53.

Those who voted in the negative are,

Messrs. Addleman, Arnold, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Crookshank, Deam, Dobson, Dowling, Dunham, Fuller, Hall of Posey, Hanna, Hatfield, Holman, Huffstetter, Jones of Blackford, Jones of Greene, Lewis, Logan, Mason, May, Miller, Neal, Nofsinger, Norton, Osborn, Palmer, Parks, Secrest, Shields, Sleeth, Smiley, Suit, Tackett, Wiley, Wilson, Wolfe, Woodruff, Yaryan, Young, and Mr. Speaker—40.

So said amendment was concurred in by the House.

Thirteenthly. Sec. 12th, 38th line, "when so appointed shall hold his office until the meeting of the next General Assembly."

Which amendment was concurred in by the House.

Mr. Cassatt offered the following amendment:

And provided further, That no trustee or foreign bondholder named in this act, shall either directly or indirectly be engaged or entrusted in any transportation or boat company on said canal; nor shall they or either of them be engaged either directly or indirectly in the purchase or sale of any produce whatsoever that is intended to be freighted on said canal; and upon violating any of the above provisions, if a trustee, it shall work a forfeiture of his office, and render him forever incapable of holding the office of trustee. If a bondholder, he shall be fined in any sum not less than double the amount of capital he may have invested in said transportation company or produce business.

Mr. Harvey moved that the amendment be laid upon the table.

On this motion,

Messrs. Neal and Cravens demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Balding, Battell, Carr of Lawrence, Carnahan, Clark, Dole, Dunham, Edwards, Fry, Fuller, Green, Hall of Posey, Hall of Warren, Hamilton, Harvey, Hatfield, Hicks, Hostetter, Huff, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Lutz, May, Mil-

ler, Moore, Nofsinger, Norton, Parks, Scott, Secrest, Stewart of Fayette, Tebbs, Wilson, Wise, and Mr. Speaker—40.

Those who voted in the negative are,

Messrs. Addleman, Arnold, Brown, Carr of Clark, Cassatt, Colms, Cravens, Crookshank, Deam, Decker, Dobson, Dowling, Ferguson, Gilleece, Gordon, Griffis, Hanna, Harding, Harlan, Hendricks, Holland, Holman, Huddleston, Huffstetter, Hull, Hunt, Jenison, Johnson, Jones of Blackford, Julian, McCormack, Meredith, Monk, Neal, Noel, Osborn, Palmer, Parker, Porter, Powell, Sleeth, Smiley, Stanfield, Stewart of Laporte, Suit, Summers, Tackett, Tait, Thomas, Thompson, Trimble, Watts, Wiley, Wolfe, Woodruff, Yaryan, and Young—57.

So said motion did not prevail.

Mr. Stanfield moved to strike out that part of the amendment which relates to the "bondholders."

Which motion prevailed.

Mr. Palmer moved to strike out so much as relates to "dealing in produce."

On this motion,

Messrs. Neal and Suit demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Brown, Balding, Carr of Lawrence, Carnahan, Colms, Crookshank, Deam, Decker, Dobson, Dole, Dowling, Edwards, Fuller, Gordon, Griffis, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Harvey, Hendricks, Hicks, Hill, Hostetter, Huddleston, Hull, Hunt, Jenison, Jones of Greene, Julian, Kerr, Lewis, Logan, May, Meredith, Miller, Moore, Noel, Nofsinger, Palmer, Parker, Porter, Powell, Scott, Secrest, Shields, Stanfield, Stewart of Fayette, Stewart of Laporte, Tait, Tebbs, Thomas, Wolfe, Woodruff, and Mr. Speaker—56.

Those who voted in the negative are,

Messrs. Addleman, Arnold, Battell, Carr of Clark, Cassatt, Clark, Cravens, Ferguson, Gilleece, Harlan, Hatfield, Holman, Huff, Huffstetter, Jones of Blackford, Lemmonds, Lutz, Mason, McCormack, Monk, Neal, Norton, Parks, Sleeth, Smiley, Suit, Tackett, Thompson, Trimble, Watts, Wiley, Wilson, Yaryan, and Young—34.

So said motion prevailed.

And the amendment, as amended, was then adopted.

Mr. Carnan offered the following amendment:

Insert in the proper place, "subject to the approval of the legisla-

ture of this State: *Provided, however*, the said legislature shall never reduce such salary for the resident trustee on the part of the subscribers below fifteen hundred dollars, or of the non-resident trustees below three thousand dollars."

Pending any action on which,

On motion by Mr. Summers,

The House adjourned until 2 o'clock, P. M.

---

2 o'clock, P. M.

The House met.

Mr. Palmer, on leave, introduced the petition of sundry citizens of Carroll county, on the subject of attaching a portion of said county, to Cass county.

Which was referred to a select committee of Messrs. Palmer, Hanna, and Holman.

Mr. Suit, on leave, introdued

No. 422. A bill allowing John Briggs a certain sum for his attendance as a witness in the Johnson impeachment case.

Which was read a first and second times, the rules being suspended, and referred to the committee on claims.

On motion by Mr. Mason,

Resolved, That the Governor be requested to return to this House the bill which originated therein, No. 75, entitled, an act declaring a part of Salt Creek a public highway, approved February 13, 1840.

Mr. Cravens, on leave, introduced

No. 423. A bill to change the time of holding probate courts in Ripley county.

Which was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

The question pending before the House at the adjournment was on the adoption of the amendment offered by Mr. Carnan.

Mr. Dunham moved to strike out "three thousand," and insert "two thousand."

Mr. Secrest demanded a division of the question;

Which was seconded.

And the question being on striking out "three thousand,"

Messrs. Colms and Dunham demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Arnold, Carr of Clark, Cassatt, Colms, Crookshank, Decker, Dunham, Ferguson, Gilleece, Gordon,

Griffis, Green, Harlan, Hicks, Hill, Holman, Huddleston, Huff, Huffstetter, Johnson, Jones of Blackford, Julian, Lemmonds, Mason, May, McCormack, Monk, Neal, Parks, Porter, Powell, Shields, Sleeth, Smiley, Stewart of Laporte, Suit, Summers, Tackett, Tait, Thomas, Thompson, Trimble, Wiley, Wilson, Wolfe, Woodruff, and Young —49.

Those who voted in the negative are,

Messrs. Brown, Balding, Battell, Carr of Lawrence, Carnahan, Clark, Cravens, Deam, Dobson, Dole, Dowling, Edwards, Fry, Fuller, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Harvey, Hatfield, Hendricks, Holland, Hostetter, Hull, Hunt, Jenison, Jones of Greene, Kerr, Lewis, Logan, Lutz, Meredith, Miller, Moore, Noel, Nofsinger, Norton, Osborn, Palmer, Parker, Scott, Secrest, Stanfield, Stewart of Fayette, Tebbs, Walker, Watts, Wise, Yaryan, and Mr. Speaker—51.

So "three thousand" was not stricken out.

The question then being,

"Shall the amendment be adopted?"

Messrs. Colms and Cassatt demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Brown, Balding, Battell, Carr of Lawrence, Carnahan, Clark, Cravens, Deam, Dobson, Dole, Dowling, Edwards, Fry, Fuller, Gordon, Hall of Posey, Hall of Warren, Hamilton, Harding, Harvey, Hendricks, Hostetter, Hull, Hunt, Jenison, Jones of Greene, Julian, Kerr, Lewis, Logan, Lutz, Meredith, Miller, Moore, Noel, Nofsinger, Osborn, Palmer, Parker, Scott, Secrest, Stanfield, Stewart of Fayette, Tebbs, Walker, Watts, Wise, and Mr. Speaker—46.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Arnold, Carr of Clark, Cassatt, Colms, Crookshank, Decker, Dunham, Ferguson, Gilleece, Griffis, Green, Hanna, Harlan, Hatfield, Hicks, Hill, Holland, Holman, Huddleston, Huff, Huffstetter, Johnson, Jones of Blackford, Lemmonds, Mason, May, McCormack, Monk, Neal, Norton, Parks, Porter, Powell, Shields, Sleeth, Smiley, Stewart of Laporte, Suit, Summers, Tackett, Tait, Thomas, Thompson, Trimble, Wiley, Wilson, Wolfe, Woodruff, Yaryan, and Young—52.

So said amendment was not adopted.

Mr. Dunham moved a re-consideration of the vote taken on the adoption of the amendment.

Which motion prevailed.

Mr. Secrest moved a reconsideration of the vote on striking out "three thousand" in the amendment.

Which motion prevailed.

And the words "three thousand" were then,

On motion by Mr. Secrest,

Stricken out, and "two thousand five hundred" inserted in the place thereof.

And the amendment, as amended, was then adopted.

Mr. Palmer offered the following:

Add to amendment N, page 21:

And keep in like good repair, the steamboat lock, at feeder dam, No. 4, on the Wabash river.

Which was adopted.

Mr. Suit offered the following amendment:

Amend the tenth section by striking out "sixthly," in the 42d line, and inserting "eighthly." Strike out "seventhly" in the 46th line, and insert "sixthly;" by striking out "eighthly" in the 51st line, and inserting "seventhly."

Mr. Colms offered the following amendment to the amendment:

Amend the tenth section so as to give the advancing party priority of amount advanced by each subscriber for the completion of the Wabash and Erie canal, and the interest thereon, and priority of the interest upon that half of their debt put upon said canal for payment; and of the principal and interest of the special stock to be issued for deferred interest up to 1853, and upon an equal amount of the old debt to that advanced.

Mr. Secrest moved to lay the amendment on the table.

On this motion,

Messrs. Colms and Suit demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Brown, Balding, Battell, Carr of Lawrence, Carnahan, Clark, Crookshank, Deam, Dobson, Dole, Dowling, Edwards, Fry, Fuller, Gordon, Green, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Harlan, Harvey, Hendricks, Hicks, Hill, Holland, Hostetter, Hull, Hunt, Jenison, Jones of Greene, Julian, Kerr, Lemmonds, Lewis, Logan, Lutz, May, Meredith, Miller, Moore, Neal, Noel, Nofsinger, Osborn, Parker, Parks, Porter, Scott, Secrest, Stanfield, Stewart of Fayette, Tebbs, Thompson, Trimble, Walker, Watts, Wise, Yaryan and Mr. Speaker—62.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Arnold, Carr of Clark, Cassatt, Colms, Cravens, Decker, Dunham, Ferguson, Gilleece, Griffis, Hatfield, Huddleston, Huff, Huffstetter, Johnson, Jones of Blackford, Mason, McCormack, Monk, Norton, Palmer, Powell, Shields, Sleeth, Smiley, Stewart of Laporte, Suit, Summers, Tackett, Tait, Thomas, Wiley, Wolfe, Woodruff, and Young—37.

So said motion prevailed.

Mr. Palmer offered the following amendment:

Strike out the 6th section of the act entitled "An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville;" and so much of the 7th section of the bill supplementary to that act, as provides for the subscription of twenty per cent. on the amount of bonds surrendered and cancelled.

Which was laid upon the table.

Mr. Colms offered the following:

Amend section 3, in line 35, by striking out "six" where it occurs, and inserting "three."

Mr. Secrest moved to lay the amendment on the table.

On this motion,

Messrs. Suit and Colms demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Brown, Balding, Battell, Carr of Lawrence, Carnahan, Clark, Cravens, Crookshank, Deam, Dobson, Dole, Dowling, Edwards, Fry, Fuller, Gordon, Green, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Harvey, Hendricks, Hicks, Hill, Hostetter, Huff, Huffstetter, Hull, Hunt, Jenison, Jones of Greene, Julian, Kerr, Lemmonds, Lewis, Logan, Lutz, May, Meredith, Miller, Moore, Noel, Nofsinger, Osborn, Palmer, Parker, Porter, Powell, Scott, Secrest, Stanfield, Stewart of Fayette, Stewart of Laporte, Tait, Tebbs, Walker, Watts, Wiley, Wolfe, Yaryan, and Mr. Speaker—64.

Those who voted in the negative are,

Messrs. Addleman, Carr of Clark, Cassatt, Colms, Decker, Ferguson, Gilleece, Griffis, Harlan, Hatfield, Holman, Huddleston, Johnson, Jones of Blackford, Mason, McCormack, Monk, Neal, Norton, Parks, Shields, Sleeth, Smiley, Suit, Summers, Tackett, Thomas, Trimble, Wilson, Wise, Woodruff, and Young—31.

So said motion prevailed.

Mr. Palmer offered the following:

Section 23, 2d line, after the word "canal," insert "east of Tippecanoe river, which were classified before the same were offered for sale."

Which was adopted.

Mr. Parker offered the following:

And should the trustees of said canal require an increased supply of water, said trustees, should they deem it necessary, may construct a navigable feeder from the St. Mary's river: *Provided*, They first pay all damages accruing from the construction of said feeder.

Which was adopted.

Mr. Colms offered the following:

"Strike out all in the 3d and 4th sections of the bill that relates to compound interest."

Mr. Secrest moved that the same be laid upon the table.

On this motion,

Messrs. Secrest and Harvey demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Brown, Balding, Battell, Carr of Lawrence, Carnahan, Clark, Dobson, Dole, Dowling, Edwards, Fry, Fuller, Gordon, Hall of Posey, Hall of Warren, Hamilton, Harding, Harvey, Hendricks, Hicks, Hill, Holland, Hostetter, Huff, Hull, Hunt, Jenison, Jones of Greene, Julian, Kerr, Lemmonds, Lewis, Logan, Lutz, Mason, May, Meredith, Miller, Moore, Noel, Nofsinger, Norton, Osborn, Palmer, Parker, Porter, Scott, Secrest, Smiley, Stanfield, Stewart of Fayette, Tebbs, Thompson, Walker, Watts, Wiley, Yaryan, and Mr. Speaker—58.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Arnold, Carr of Clark, Cassatt, Colms, Cravens, Deam, Decker, Dunham, Edwards, Gilleece, Griffis, Green, Harlan, Hatfield, Holman, Huddleston, Huffstetter, Johnson, Jones of Blackford, McCormack, Monk, Neal, Parks, Powell, Shields, Sleeth, Stewart of Laporte, Suit, Summers, Tackett, Tait, Thomas, Trimble, Wilson, Wise, Wolfe, Woodruff, and Young—40.

Mr. Cravens offered the following amendment:

That the penalty required in the bond of the trustees by the tenth section of the act, to which this is a supplement, be, and the same is hereby increased to the sum of one hundred thousand dollars.

Which was adopted.

Mr. Crookshank offered the following:

At the end of the twenty-second section add,

"Out of the tolls and revenues of said canal, or the State shall have redeemed said stock and certificates, by the payment of the principal thereof, the right of doing which, after twenty years from 19th January, 1846, is hereby reserved by the State, as provided in the act to which this is amendatory."

Which was adopted.

Mr. Stanfield moved the previous question.

Which was seconded by the House.

And the previous question being,

"Shall the main question be now put?"

It was decided in the affirmative.

And the main question being,

"Shall the bill as amended be engrossed for a third reading?"

Messrs. Colms and Neal demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Brown, Balding, Battell, Carr of Lawrence, Carnahan, Clark, Crookshank, Dobson, Dole, Dowling, Dunham, Edwards, Fry, Fuller, Gordon, Green, Hall of Warren, Hall of Posey, Hanna, Harding, Harlan, Harvey, Hendricks, Hicks, Hill, Holland, Hostetter, Huff, Hull, Hunt, Jenison, Jones of Greene, Julian, Kerr, Lemmonds, Lewis, Logan, Lutz, May, Meredith, Miller, Moore, Noel, Nofsinger, Osborn, Parker, Parks, Porter, Scott, Secrest, Shields, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Tackett, Tebbs, Thompson, Walker, Watts, Wilson, Wise, Wolfe, Yaryan, and Mr. Speaker—66.

Those who voted in the negative are,

Messrs. Addleman, Arnold, Carr of Clark, Cassatt, Colms, Cravens, Deam, Decker, Ferguson, Gilleece, Griffis, Hamilton, Hatfield, Holman, Huddleston, Huffstetter, Johnson, Jones of Blackford, Mason, M'Cormack, Monk, Neal, Norton, Palmer, Powell, Sleeth, Suit, Summers, Tait, Thomas, Trimble, Wiley, Woodruff, and Young—34.

So said bill was ordered to be engrossed; and,

On motion by Mr. Secrest,

The rules were suspended, the bill considered as engrossed, and referred to a select committee of Messrs. Secrest, Palmer, and Crookshank.

Mr. Suit moved that the committee be instructed to strike out the 27th section of the bill.

Mr. Secrest moved to lay the same on the table.

Messrs. Neal and Suit demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Brown, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Colms, Cravens, Crookshank, Deam, Dole, Decker, Dobson, Dowling, Dunham, Edwards, Ferguson, Fry, Fuller, Gordon, Green, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Harvey, Hatfield, Hendricks, Hicks, Hill, Holland, Holman, Hostetter, Huddleston, Huff, Hull, Hunt, Johnson, Jones of Greene, Julian, Kerr, Lemmonds, Lewis, Logan, Lutz, Mason, May, Meredith, Miller, Moore, Noel, Nofsinger, Norton, Osborn, Palmer, Parker, Parks, Porter, Powell, Scott, Secrest, Shields, Sleeth, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Tackett, Tait, Tebbs, Thomas, Thompson, Walker, Watts, Wiley, Wilson, Wise, Wolfe, Woodruff, Yaryan, Young, and Mr. Speaker—85.

Those who voted in the negative are,

Messrs. Addleman, Arnold, Cassatt, Gilleece, Griffis, Harlan, Jones of Blackford, M'Cormack, Neal, Suit, Summers, and Trimble—12.

So said motion prevailed.

Mr. Jenison offered the following instructions:

SEC. 28. *Be it further enacted*, That for the purpose of better securing to holders of the Indiana internal improvement bonds the full payment of the principal and interest due thereon, the State of Indiana hereby transfers to said trustees, by this act, the entire line of the Central Canal, from the stone lock, in the town of Indianapolis, to *Wise feeder dam*, in Madison county, with all its appurtenances, rights, water rents, &c., now held by the State on and to said canal; and the proceeds arising from said canal shall be applied in the same manner as the proceeds of the Wabash and Erie Canal are applied by the above provisions of this act.

Provided, The said trustees shall refund to the State of Indiana all sums of money expended on that part of the canal between Indianapolis and Broad Ripple, between the first day of February, 1847, and the time of transferring to said trustees the said canal.

SEC. 29. That the provisions of this act shall apply to the Central Canal with the same power, effect, and influence as they do to the Wabash and Erie Canal, and in the same manner as though the said canals were one work.

And be it further provided, That in case said trustees shall fail to complete said Central Canal in the space of five years, this act to all intents and purposes shall be void.

Mr. Cassatt moved to amend the instructions so as to provide for the completion of said Central Canal to the Wabash and Erie Canal, at Wabash town.

On motion by Mr. Miller,

Said proposed instructions were laid upon the table.

Mr. Palmer offered the following:

Section 26, second line, fill the blank with *two*.

Section 23, ninth line, fill the blank with *December*.

Which was adopted.

Mr. Crookshank offered the following as instructions to the committee:

Typographical or verbal amendments;

1. In section 11, 7th line, amend by striking out "eleventh," and inserting "ninth."

2. In section 12, 39th line, strike out "clause," and insert "section."

3. Section 14, 40th line, strike out "or otherwise."

4. Section 19, Amendment J, 5th line, strike out "thirteenth," and insert "eleventh."

5. Section 20, 17th and 18th lines, strike out after bonds "shall thereupon be cancelled in the presence of a notary public," and insert the same words in 21st line after the word "bonds."

6. Section 21, 28th line, strike out "thirteenth," and insert "eleventh."

Same section, 40th line, strike out the word "pounds."

In the forms of certificates annexed, insert the word "hereon," instead of "herein," and the word "prescribe," instead of "presented," wherever they occur.

Which were adopted.

Mr. Noel, on leave, made the following report:

Mr. Speaker:

The committee on corporations to whom was referred the bill No. 346, "A bill to incorporate the city of Indianapolis," have had the same under consideration, and made the following amendments thereto, in which the concurrence of the House is requested, and the passage of the bill recommended.

Amend the second section by striking out of the 14th line the Nos. "first, third, and fifth," and insert the Nos. "fifth, third, and first."

Insert in the fourth line of section first after the word "Marion," the words "east of White River."

Strike out the sixteenth section, and insert the accompanying section numbered sixteen.

Sec. 16. It shall not be lawful for any person or persons within the bounds of said city as specified in the first section of this act, to sell by a less quantity than by one quart at a time, any spiritous liquors, foreign or domestic, nor shall it be lawful for any person or persons to keep what is commonly called a "tippling house," or any other house to vend spirits, foreign or domestic, by a less quantity than one quart at a time, unless such person or persons shall in addition to a license obtained from the board of county commissioners, obtain license from the city council; and if any person or persons shall sell any spiritous liquors, or keep what is commonly called a "tippling house," or any other house within said limits contrary to the provisions of this act, he, she, or they, so offending, shall in any action of debt, upon conviction thereof before the mayor, be fined in any sum not more than one hundred, nor less than fifty dollars, for the use of the city council.

Provided, That this section shall not be so construed as to conflict with any law now in force, or which may hereafter be in force, probibiting the sale of spiritous liquors in Centre township, in the county of Marion; and for the better regulation of the peace and good government of the city, the city council is hereby authorized to pass and adopt laws or ordinances for the suppression of immorality, intoxication, rioting, or whatever may detract from the peace and good order of society.

In the 31st section strike out of the 2d and 3d lines, the citizens of Marion county, and non-resident of the State of Indiana," and insert the words "individuals, corporations, or companies."

In the 37th section, strike out the words "or be rejected" in the sixth line, and insert the words "except as provided in the 2d section

of this act," and strike out of the seventh line the words "as hereinafter provided."

In the 45th section, after the word "published" in the fourth line, insert the words "two successive weeks." In the eighth line, strike out the word "no," and insert the word "old." In the thirteenth line, after the word "charter," insert the words, "over the vote cast for the old charter."

In the 45th section, 15th line, strike out after the word "force," the words, "and the first election under this act," and insert "but if there shall be a majority of the votes cast for the "old charter," the Governor shall declare this act to be null and void, and that the charter of the town of Indianapolis be in force; and in either event the next election for officers for the city or town of Indianapolis, under this act, or under the old charter, as the case may be.

In section 46, in 5th line, after the word "Indianapolis," strike out the word "it," and insert, "and the city council enacted by this act are."

Which amendments were concurred in by the House.

And the bill, as amended, ordered to be engrossed for a third reading.

Mr. Tait made the following report:

Mr. Speaker:

The committee on enrolled bills have compared the following enrolled with the engrossed bills, and find them truly enrolled.

No. 139. An act to establish a State road in the county of Dearborn.

No. 185. An act to incorporate the trustees of the Underwood Burying Ground.

No. 158. An act to amend an act entitled, an act to relocate a portion of the State road leading from Greenfield, Hancock county, to Lebanon, in Boone county," approved January 15, 1846.

No. 307. An act changing the time of holding the probate courts in the county of St. Joseph.

No. 152. An act to amend the 48th chapter, article 5th, of the Revised Statutes of 1843, in regard to writs of ad quod damnum.

No. 40. An act to legalize the acts of masters in chancery in the county of Huntington.

No. 121. An act authorizing the sale of section 16, in township No. 27 north, range 7 east.

No. 271. An act to amend the 8th section of an act regulating the fees and salaries of the several officers and persons therein named, approved February 7th, 1831.

No. 18. An act to incorporate the town of Mount Vernon.

No. 96. An act for the improvement of the breed of horses and mules in the counties of Blackford and Kosciusko.

No. 384. An act making provision for the payment of the wit-

nesses who attended before the judiciary committee of the House of Representatives in relation to the charges preferred by William G. Ewing and others, against the probate judge of Allen county.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

The following message was received from the Governor by Mr. Hanna, his private secretary.

Mr. Speaker:

I am directed by the Governor to inform the House of Representatives, that he did on yesterday, approve and sign the following bills, to-wit:

No. 384. An act making provision for the payment of the witnesses who attended before the judiciary committee of the House of Representatives in relation to the charges preferred by W. G. Ewing and others against the probate judge of Allen county;

No. 10. An act explanatory of an act therein named.

No. 265. An act to vacate certain streets and alleys in the town of Noblesville, Hamilton county.

No. 216. An act for the further relief of the volunteers of the State of Indiana.

No. 114. An act to change the name of Ellen Loudenberger, to that of Ellen Lomax.

No. 283. An act to legalize the qualification of sheriff in the county of Wabash.

No. 148. An act for the relief of John McIntire, Clark M. Anthony, Joseph P. Glezen, and for other purposes.

No. 183. An act transferring the duties of school commissioner of Crawford county, to the county treasurer of said county.

No. 141. An act in relation to roads and highways in Putnam county.

Also, the following joint resolutions:

No. 113. A joint resolution on the subject of school section No. 16, township 17, range 6.

No. 132. A joint resolution in relation to pre-emptors on the Miami National Reservation in the State of Indiana.

No. 151. A joint resolution in relation to the claim of Francis Vigo, late a citizen of Knox county, Indiana.

January 15, 1847.

On motion by Mr. Parker,

The House adjourned until to-morrow morning, 9 o'clock.

SATURDAY MORNING, January 16th, 1847.

The House met pursuant to adjournment.

Mr. Secrest moved a call of the House;
Which was seconded.
After some time spent therein,
On motion by Mr. Secrest,
The further call was suspended.
On motion by Mr. Secrest,
The rules were suspended for the purpose of making the following report:

Mr. Speaker:

The select committee, to whom was referred bill of the House No. 353, entitled a bill supplementary to an act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville, approved January 19th, 1846, with instructions to amend the same, have accordingly made the various amendments which they were directed by the House to make to said bill, and herewith report the same back to the House.

Said amendments in said report mentioned were concurred in by the House, when

Mr. Secrest moved a call of the House;
Which was seconded.
Mr. Suit was excused attendance on account of sickness.
The further call was then suspended.
Said bill was then read a third time, and the question being,
"Shall the bill pass?"
Messsrs. Colms and Secrest demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Brown, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Crookshank, Dobson, Dole, Dowling, Dunham, Edwards, Ferguson, Fry, Fuller, Gordon, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Harvey, Hendricks, Hicks, Hill, Holland, Hostetter, Huff, Hull, Hunt, Jenison, Jones of Greene, Julian, Kerr, Lemmonds, Lewis, Logan, Lutz, Mason, May, Meredith, Miller, Moore, Noel, Nofsinger, Osborn, Palmer, Parker, Parks, Porter, Scott, Secrest, Shields, Sleeth, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Tackett, Tebbs, Thompson, Walker, Watts, Wilson, Wise, Wolfe, Woodruff, and Mr. Speaker—70.

Those who voted in the negative are,

Messrs. Addleman, Arnold, Cassatt, Colms, Cravens, Deam, Decker, Gilleece, Griffis, Hamilton, Harlan, Hatfield, Holman, Huddleston, Huffstetter, Johnson, Jones of Blackford, McCormack, Monk, Neal, Norton, Powell, Suit, Summers, Tait, Thomas, Trimble, Wiley, Yaryan, and Young—30.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

BILLS INTRODUCED.

By Mr. Parks:

No. 424. A bill to establish a free turnpike road in the counties of Allen, Whitley, Kosciusko, and Marshall.

By Mr. Palmer:

No. 425. A bill for the relief of the First Regular Baptist Church of Logansport.

By Mr. Meredith:

No. 426. A bill to provide for the election of an additional justice of the peace in Jackson township, Wayne county.

By Mr. Tebbs:

No. 427. A bill relative to school funds in Dearborn county.

By Mr. Noel:

No. 428. An act to explain and carry into effect the provisions of the 17th section, of chapter 54 of the Revised Statutes of 1843.

By Mr. Hendricks:

No. 429. A bill changing the time of holding probate courts in Jefferson county.

By Mr. Huffstetter:

No. 430. A bill to provide for the settlement of the accounts of commissioners heretofore appointed to expend a portion of the three per cent. fund of Orange county.

By Mr. Griffis:

No. 431. An act regulating the sale of ardent spirits in Randolph county.

By Mr. Palmer:

No. 432. A bill providing for the sale of school section, in township 25, n. r. 2 east.

By Mr. Sleeth:

No. 433. An act to amend an act entitled "An act to provide for the continuance of the construction of all or any part of the public works of this State by private companies and for abolishing the board of internal improvements and the offices of fund commissioner and chief engineer," approved January 28, 1842;

Which were each severally read a first time and ordered to a second reading.

On motion by Mr. Watts,

No. 192. A bill authorizing deeds in certain cases to be made; Was taken from the table and placed on the files.

ORDERS OF THE DAY.

House Bills on third reading.

No. 49. An act to authorize the executors of the estate of Jacob Sinks, late of Wayne county, deceased, to sell certain real estate.

No. 221. An act to declare the meaning of an act therein named.

No. 268. An act to authorize the probate judge of Dearborn county to issue writs of habeas corpus.

No. 281. An act relating to auditor's fees in Bartholomew county.

No. 314. An act to provide for the payment of the expenses of completing the selecting, appraising, classifying and mapping the lands granted by Congress for completing the Wabash and Erie canal from Terre Haute to the Ohio river.

No. 318. An act to amend an act entitled "An act to provide for the appointment of township assessors in certain counties therein named and defining their duties, approved January 15, 1844, so far as the same relates to the county of Washington.

No. 320. An act to regulate and change the time of holding courts in the fourth judicial circuit and authorizing special chancery courts to be held therein.

No. 350. An act in relation to the side cut constructed by the Delphi Storage and Forwarding Company.

No. 351. A joint resolution in reference to the protection of American industry in all its various departments.

No. 356. A joint resolution in relation to holding a session of the Supreme Court of the United States west of the Allegheny Mountains.

No. 357. A joint resolution in regard to a hospital for the insane; Which was amended by consent as follows:

Strike out the names of "John Evans, Isaac Blackford, and Calvin Fletcher," and insert the words "the commissioners and superintendent of the Indiana hospital for the insane."

No. 359. An act to establish an additional election precinct in Deer Creek township, Perry county, and for other purposes.

No. 360. An act fixing a certain annual compensation to the auditor of Boone county.

No. 361. An act fixing the fees of the auditor of the county of Randolph.

No. 362. An act to legalize the marriage of Celia Lowder and Henry Perdue of Daviess county.

No. 364. An act to provide for an additional place of holding elections in Clark county.

No. 365. An act to locate a State road in the counties of Miami, Howard, and Madison.

No. 366. An act providing for the election of township assessors in Hancock county.

No. 368. An act to change the time of holding courts in Parke county.

No. 369. An act declaratory of the power of the president and associate judges to enforce injunctions in vacation.

No. 371. An act to authorize the Governor to issue a patent for a certain tract of canal land;

Which were each severally read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 367. An act to provide for opening certain streets in the town of Indianapolis;

Was read a third time and laid upon the table.

No. 373. An act to authorize the people of the several townships of the several counties, to prohibit the retailing of spiritous liquors;

Which was amended by consent as follows:

Add after the words "April election," in the first section of the bill, the words "or spring township elections."

Mr. Palmer moved that the bill be indefinitely postponed.

On this motion,

Messrs. Watts and Neal demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Arnold, Balding, Cassatt, Colms, Fuller, Harlan, Kerr, Mason, Neal, and Palmer—10.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Brown, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Cravens, Crookshank, Deam, Decker, Dobson, Dole, Dowling, Dunham, Edwards, Ferguson, Gordon, Griffis, Green, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Harvey, Hatfield, Hendricks, Hicks, Hill, Holland, Holman, Hostetter, Huddleston, Huff, Hull, Hunt, Jenison, Johnson, Jones of Blackford, Jones of Greene, Julian, Lemmonds, Lewis, Logan, McCormack, Meredith, Monk, Moore, Noel, Osborn, Parks, Porter, Powell, Scott, Secrest, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Summers, Tackett, Tait, Thomas, Thompson, Trimble, Walker, Watts, Wiley, Wilson, Wise, Wolfe, Woodruff, Yaryan, Young, and Mr. Speaker—76.

So said bill was not indefinitely postponed.

Mr. Thompson moved to recommit the bill to a select committee with the following instructions:

"That a majority of those voting for or against shall control the action of the board doing county business."

Mr. Palmer offered the following amendment to the instructions:

That in all cases where the words "no license" are not endorsed

upon such tickets, such tickets shall not be counted in favor of such prohibition.

On motion by Mr. Hamilton,

The proposed instructions were laid upon the table.

Mr. Noel moved the previous question;

Which was seconded by the House.

And the previous question being,

"Shall the main question be now put?"

It was decided in the affirmative.

And the main question being,

"Shall the bill pass?"

It was also decided in the affirmative.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Hall of Warren,

The House adjourned until two o'clock, P. M.

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2 o'clock, P. M.

The House met.

ORDERS OF THE DAY CONTINUED.

No. 414. An act to authorize the erection of an institute for the deaf and dumb;

No. 415. An act in relation to a school district in Lagrange county;

No. 417. A bill to provide for the holding of special terms of the circuit court of the county of Jefferson;

Which were each severally read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

SENATE BILLS ON THIRD READING.

No. 47. An act for the relief of Ellen Bigger, widow of Samuel Bigger, deceased;

No. 91. An act in relation to brokers;

No. 106. An act to vacate offices when officers become insane;

No. 109. A bill to incorporate a public seminary in the town of Aurora, in the county of Dearborn;

No. 115. An act for the relief of Andrew W. Baker and Rosanna Baker, his wife, and Alexander Mendenhall;

No. 124. An act to amend an act entitled "An act to establish a turnpike road in the county of Adams," approved January 13th, 1845;

No. 154. (Amended in the title as follows.) A joint resolution on the subject of improving the mail communication between Toledo, Ohio, by way of the Wabash valley, to New Orleans;

No. 126. An act to authorize the superintendent of the Wabash and Erie canal to pay such equitable claims as counties and individuals may have for surveying and locating the canal from Tippecanoe to Terre Haute;

No. 128. A bill to locate a State road in Daviess, Martin, and Dubois counties;

No. 149. An act extending the time of holding the probate court in Fountain county;

No. 150. An act to amend an act entitled "An act to authorize the removal of obstructions in Big and Little Blue river, in Shelby county;"

No. 155. An act for the relief of the prosecuting attorney of the 4th judicial circuit;

No. 187. An act to confirm a certain deed to the Methodist Episcopal Church in Greenfield, Hancock county;

No. 197. An act to amend an act entitled "An act to incorporate the West Delphi bridge company;

Which were each severally read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 93. An act to incorporate the Lafayette Hydraulic Company;

Was read a third time; when,

On the question of its passage,

Messrs. Palmer and Decker demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Clark, Colms, Decker, Edwards, Ferguson, Fuller, Gordon, Griffis, Hamilton, Harvey, Hendricks, Holland, Huddleston, Huff, Hull, Hunt, Julian, Lemmonds, Lutz, McCormack, Moore, Neal, Noel, Norton, Parker, Porter, Powell, Scott, Smiley, Stewart of Fayette, Stewart of Laporte, Summers, Watts, Wise, and Mr. Speaker—38.

Those who voted in the negative are,

Messrs. Brown, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Cravens, Crookshank, Dowling, Dunham, Gilleece, Green, Hall of Posey, Hall of Warren, Harlan, Hatfield, Hicks, Holman, Hostetter, Jenison, Johnson, Jones of Blackford, Kerr, Logan, Monk, Nofsinger, Osborn, Palmer, Parks, Shields, Sleeth, Tackett, Tebbs, Thompson, Trimble, Wiley, Wilson, Wolfe, Woodruff, and Young—40.

So said bill did not pass.

No. 120. A joint resolution on the subject of the improvement of harbors and rivers;

Was read a third time; when,

Mr. Stanfield moved to reconsider the vote taken on ordering the bill to a third reading.

On this motion,

Messrs. Palmer and Wolfe demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Brown, Balding, Battell, Carnahan, Cassatt, Clark, Colms, Cravens, Dole, Dowling, Edwards, Ferguson, Fuller, Gordon, Griffis, Green, Hall of Warren, Hamilton, Hendricks, Hicks, Hill, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Julian, Kerr, Lemmonds, Lewis, Lutz, McCormack, Meredith, Moore, Noel, Norton, Parker, Porter, Powell, Scott, Stanfield, Stewart of Fayette, Stewart of Laporte, Summers, Tait, Thomas, Thompson, Trimble, Watts, Wise, Yaryan, and Mr. Speaker—53.

Those who voted in the negative are,

Messrs. Carr of Clark, Carr of Lawrence, Decker, Dobson, Gilleece, Hall of Posey, Hanna, Harlan, Hatfield, Holman, Johnson, Jones of Blackford, Jones of Greene, Logan, Mason, May, Miller, Monk, Neal, Nofsinger, Osborn, Palmer, Shields, Sleeth, Tebbs, Wiley, Wilson, Wolfe, Woodruff, and Young—28.

So said vote was reconsidered.

Mr. Noel offered the following amendment:

Resolved further, That we approve the veto of President Polk on the bill of last session of Congress, making appropriations for the improvement of rivers and harbors.

Mr. Palmer moved to lay the amendment on the table.

On this motion,

Messrs. Trimble and Cravens demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Brown, Carr of Clark, Cassatt, Colms, Gordon, Griffis, Green, Hall of Warren, Harlan, Harvey, Hatfield, Hendricks, Hill, Holland, Holman, Hostetter, Huff, Johnson, Kerr, Lutz, Palmer, Parks, Porter, Stewart of Fayette, Summers, Tait, Tebbs, Thompson, Trimble, Wiley, Wilson, Wise, Wolfe, and Mr. Speaker—35.

Those who voted in the negative are,

Messrs. Addleman, Balding, Battell, Carr of Lawrence, Carnahan, Clark, Cravens, Crookshank, Decker, Dobson, Dole, Dowling, Edwards, Ferguson, Fuller, Gilleece, Hall of Posey, Hamilton, Hanna, Hicks, Huddleston, Hull, Hunt, Jenison, Jones of Blackford, Jones of Greene, Julian, Lemmonds, Lewis, Logan, Mason, May, McCor-

mack, Meredith, Miller, Monk, Moore, Neal, Noel, Nofsinger, Norton, Osborn, Parker, Powell, Scott, Shields, Sleeth, Smiley, Stanfield, Stewart of Laporte, Tackett, Thomas, Watts, Woodruff, Yaryan, and Young—56.

So said motion did not prevail.

The question then being on the adoption of the amendment,

Messrs. Palmer and Edwards demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Balding, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Crookshank, Decker, Dobson, Fuller, Gilleece, Hall of Posey, Hanna, Harlan, Hatfield, Hicks, Holman, Jenison, Johnson, Jones of Blackford, Jones of Greene, Lemmonds, Lewis, Logan, Mason, May, Miller, Monk, Neal, Nofsinger, Norton, Osborn, Palmer, Parks, Secrest, Shields, Sleeth, Tebbs, Wiley, Wilson, Wolfe, Woodruff, and Young—41.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Brown, Battell, Cassatt, Clark, Colms, Cravens, Dole, Dowling, Edwards, Ferguson, Gordon, Griffis, Green, Hall of Warren, Hamilton, Harvey, Hendricks, Hill, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Julian, Kerr, Lutz, M'Cormack, Meredith, Moore, Noel, Parker, Porter, Powell, Scott, Stanfield, Stewart of Fayette, Stewart of Laporte, Summers, Tait, Thomas, Thompson, Trimble, Watts, Wise, Yaryan, and Mr. Speaker—48.

So said amendment was not adopted.

Mr. Palmer offered the following amendment:

"That in the opinion of this General Assembly the Congress of the United States has the constitutional right to make appropriations of money for the purpose of internal improvement in any of the States of this Union.

Mr. Cravens moved that the amendment be laid upon the table.

On this motion,

Messrs. Palmer and Cravens demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Brown, Balding, Carr of Lawrence, Carnahan, Cassatt, Colms, Cravens, Crookshank, Decker, Dowling, Dunham, Ferguson, Fuller, Gilleece, Green, Hall of Posey, Hamilton, Hanna, Harlan, Hatfield, Hicks, Hill, Holman, Huddleston, Huff, Jenison, Johnson, Jones of Blackford, Julian, Kerr, Lewis, Logan, Lutz, Mason, May, McCormack, Meredith, Miller, Monk, Neal, Nofsinger, Norton, Osborn, Palmer, Parker, Parks, Porter, Scott, Secrest, Shields,

Sleeth, Smiley, Stanfield, Stewart of Fayette, Tackett, Tait, Tebbs, Thomas, Watts, Wiley, Wilson, Wolfe, Woodruff, and Young—65.

Those who voted in the negative are,

Messrs. Addleman, Battell, Clark, Dobson, Dole, Edwards, Gordon, Griffis, Hall of Warren, Harvey, Holland, Hostetter, Hull, Hunt, Jones of Greene, Lemmonds, Moore, Noel, Powell, Stewart of Laporte, Summers, Thompson, Trimble, Wise, Yaryan, and Mr. Speaker—26.

So said motion prevailed.

Mr. Wolfe moved that the joint resolution be laid upon the table.

On this motion,

Messrs. Neal and Dunham demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Balding, Carr of Clark, Carnahan, Crookshank, Dobson, Dowling, Dunham, Gilleece, Hall of Posey, Hanna, Harlan, Hatfield, Hicks, Holman, Johnson, Jones of Blackford, Julian, Logan, Mason, May, Neal, Osborn, Parks, Secrest, Shields, Sleeth, Smiley, Tackett, Tebbs, Wiley, Wilson, Wolfe, and Woodruff—33.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Brown, Battell, Carr of Lawrence, Cassatt, Colms, Clark, Cravens, Deam, Decker, Dole, Edwards, Ferguson, Fuller, Gordon, Griffis, Green, Hall of Warren, Hamilton, Harvey, Hill, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Jones of Greene, Kerr, Lemmonds, Lewis, Lutz, McCormack, Meredith, Miller, Monk, Moore, Noel, Palmer, Parker, Porter, Powell, Scott, Stanfield, Stewart of Fayette, Stewart of Laporte, Summers, Tait, Thomas, Thompson, Trimble, Watts, Wise, Yaryan, Young, and Mr. Speaker—56.

So said motion did not prevail.

Mr. Stanfield moved to refer the joint resolution to a select committee.

On this motion,

Messrs. Carr of Lawrence and Palmer demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Brown, Battell, Cassatt, Clark, Colms, Cravens, Dole, Dowling, Edwards, Ferguson, Gordon, Griffis, Green, Hall of Warren, Hamilton, Hanna, Harlan, Harvey, Hendricks, Hicks, Hill, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Julian,

Kerr, Lutz, McCormack, Meredith, Moore, Noel, Parker, Porter, Powell, Scott, Sleeth, Stanfield, Stewart of Fayette, Stewart of Laporte, Summers, Tait, Thomas, Thompson, Trimble, Watts, Wise, Yaryan, and Mr. Speaker—53.

Those who voted in the negative are,

Messrs. Balding, Carr of Clark, Carr of Lawrence, Carnahan, Crookshank, Decker, Dobson, Dunham, Fuller, Gilleece, Hall of Posey, Hatfield, Holman, Jenison, Johnson, Jones of Blackford, Jones of Greene, Lemmonds, Lewis, Logan, Mason, May, Miller, Monk, Neal, Norton, Osborn, Palmer, Parks, Secrest, Shields, Smiley, Tackett, Tebbs, Wiley, Wilson, Wolfe, Woodruff, and Young—39.

So said bill was referred to a select committee of Messrs. Stanfield, Harvey, and Noel.

Mr. Tackett moved to reconsider the vote on the passage of bill of the Senate,

No. 93. An act to incorporate the Lafayette Hydraulic Company.

On this motion,

Messrs. Palmer and McCormack demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Cassatt, Clark, Colms, Cravens, Decker, Ferguson, Fuller, Gordon, Griffis, Hamilton, Harvey, Hendricks, Hill, Holland, Hostetter, Huddleston, Hull, Hunt, Jenison, Julian, McCormack, Meredith, Moore, Neal, Noel, Norton, Parker, Porter, Powell, Scott, Sleeth, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Summers, Tackett, Watts, Wise, Woodruff, and Mr. Speaker—43.

Those who voted in the negative are,

Messrs. Brown, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Crookshank, Dowling, Dunham, Gilleece, Green, Hall of Posey, Hall of Warren, Hanna, Hicks, Holman, Johnson, Jones of Blackford, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Miller, Monk, Osborn, Palmer, Parks, Shields, Tebbs, Thomas, Thompson, Trimble, Wiley, Wilson, Wolfe, and Young—41.

So said vote was reconsidered.

Mr. Palmer moved to refer the "joint resolution" to a select committee with instructions.

Mr. Meredith demanded the previous question,

Which was seconded by the House.

And the previous question being,

"Shall the main question be now put?"

It was decided in the affirmative.

And the main question being,

"Shall the bill pass?"

Messrs. Stewart of Fayette and Dunham demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Cassatt, Clark, Colms, Decker, Dobson, Ferguson, Fuller, Gordon, Griffis, Harvey, Hendricks, Hill, Holland, Hostetter, Huddleston, Hull, Hunt, Jenison, Julian, Lemmonds, Lutz, McCormack, Meredith, Moore, Noel, Norton, Parker, Porter, Powell, Scott, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Summers, Thompson, Watts, Wise, Yaryan, and Mr. Speaker—42.

Those who voted in the negative are,

Messrs. Brown, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Dowling, Dunham, Gilleece, Green, Hall of Posey, Hall of Warren, Hanna, Harlan, Hatfield, Hicks, Holman, Jones of Blackford, Jones of Greene, Kerr, Lewis, Logan, Miller, Monk, Neal, Osborn, Palmer, Parks, Shields, Tackett, Tebbs, Thomas, Trimble, Wiley, Wilson, Wolfe, Woodruff, and Young—38.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

The Speaker laid before the House a communication from his excellency, the Governor, accompanied by a joint resolution of the legislature of the State of Michigan, relative to the right of that State to the mines and minerals within her borders.

Which was,

On motion by Mr. Secrest,

Referred to the committee on the judiciary.

The Speaker also laid before the House a communication from the Auditor of State, in reply to a resolution of the House, calling for information in reference to the water rents on the northern division of the Central Canal.

Which was,

On motion by Mr. Secrest,

Laid upon the table, and two hundred copies ordered to be printed.

Mr. Yaryan offered the following resolution:

Resolved, That the House will, the Senate concurring, go into the election of a president judge of the 13th judicial circuit on Monday next at two o'clock, P. M.

Mr. Crookshank moved to lay the resolution on the table;

Which motion did not prevail.

Mr. Cravens moved to amend the resolution by inserting Monday night seven o'clock, P. M.

Which motion prevailed.

The resolution, as amended, was then adopted.

Ordered, That the clerk inform the Senate thereof.

Mr. Carr of Lawrence, on leave, offered the following resolution:

Resolved, That the committee of ways and means are hereby instructed to allow Jonathan R. Brown the sum of three dollars in the specific appropriation bill, for one days' service as door-keeper at the commencement of the present session of the General Assembly.

Which was adopted.

Mr. Dowling, on leave, introduced the following:

No. 434. A joint resolution relative to the public printing.

Which was read a first time, and ordered to a second reading.

Mr. Noel, on leave, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Robert Earl, praying relief, have had the same under consideration, and have directed me to report the following bill, and ask its passage.

No. 435. A bill for the relief of Robert Earl.

Which was read a first time, and ordered to a second reading.

Mr. Tait made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared the following enrolled with the engrossed bills, and find them truly enrolled.

No. 171. An act to relocate a portion of a State road in Carroll county.

No. 149. An act to authorize the location of a State road in the counties of Kosciusko and Marshall.

No. 154. An act to amend an act entitled, "an act to incorporate the trustees of the Indiana Asbury University," approved January 10, 1837.

No. 138. An act to locate a State road in Randolph and Wayne counties.

No. 166. An act to locate a State road in the counties of Wells and Adams.

No. 175. An act to locate a State road in the counties of Grant and Madison.

No. 155. An act to locate a State road from Logansport, to Marion, Grant county.

No. 228. An act to legalize the proceedings of the board of county commissioners of Adams county.

No. 123. An act to repeal the 3d section of an act entitled, "an act to provide for the re-appraisement of real estate heretofore appraised and subject to taxation, and for other purposes.

No. 94. An act making an appropriation for the arrest of Silas Doty, a fugitive from justice.

No. 209. An act to more particularly define the boundary line between the counties of Gibson and Warrick.

No. 226. An act to vacate certain streets and alleys in Cambridge City.

No. 131. An act authorizing the Secretary of State to make a deed in a certain case.

No. 118. An act amendatory to an act for the relief of Delaware and Grant counties, approved January 13, 1844.

No. 227. An act for the relief of William Taggart, and his securities.

No. 103. An act to repeal an act entitled, "an act for the protection of wild fruit growing on the public lands in the counties of Lake, Porter, Laporte, St. Joseph, Marshall, Fulton, and Kosciusko," approved January 13, 1844, so far as relates to the county of Pulaski.

No. 86. An act to extend the benefit of a certain act therein named, to the counties of Carroll and Clinton.

No. 170. An act for the better protection of religious assemblies.

No. 161. An act for the safe-keeping of the records of Ohio county.

No. 169. An act for the improvement of the Cambridge and Fort Wayne State road, in the county of Wells.

No. 66. An act to reduce the expenses of Floyd county.

No. 240. An act to incorporate the Christian Church, on White river, in Stony Creek township, Randolph county, Indiana.

No. 207. An act to locate a State road in the counties of Wells, Blackford, and Jay, in the State of Indiana.

No. 61. An act to extend the time of receiving work on road tax in the counties therein named.

No. 150. A joint resolution in relation to the superintendent of the Central Canal.

No. 102. An act forming separate corporations for school purposes of township number one north, of range ten west, in Gibson and Knox counties.

No. 220. A joint resolution of the General Assembly of the State of Indiana.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

On motion by Mr. Neal,

The House adjourned until Monday morning 9 o'clock.

MONDAY MORNING, JANUARY 18, 1847.

The House met pursuant to adjournment.

ORDERS OF THE DAY.

Senate bills on second reading.

No. 10. An act relative to the printing of certain laws therein named.

No. 143. A joint resolution relative to the sale of intoxicating liquors in Indiana.

No. 146. An act to amend an act entitled, "an act to incorporate the Richmond Turnpike Company, approved January 15, 1844.

No. 152. An act to abolish the office of justice of the peace, in Yorktown, Delaware county, Indiana.

No. 153. An act to vacate a road in the town of Lawrenceburgh.

No. 156. An act to repeal an act entitled, "an act to incorporate the Morgan County Seminary," approved February 7, 1838.

No. 159. An act to amend the 8th section of an act regulating the fees and salaries of the several officers and persons therein named, approved February 7, 1831.

No. 160. An act to change the name of the town of Clinton, in Tipton county.

No. 166. An act to change a certain State road therein named, in the counties of Lawrence and Monroe.

No. 167. An act to authorize the auditor and school commissioner in Jay county, to sell the school section in township twenty-four north, of range fourteen east, in Jay county.

No. 168. An act for the relief of purchasers of seminary lands in Gibson and Monroe counties.

No. 176. An act for the relief of persons therein named.

No. 191. An act extending the provisions of the 30th chapter of part 3d, of the Revised Statutes of 1843, to Hancock county.

No. 206. An act providing compensation to supervisors of roads and highways, in Rush county.

No. 190. An act to abolish the office of school commissioner in Jefferson county.

No. 192.

Were severally read a second time, and ordered to a third reading.

No. 131. A joint resolution expressive of the approbation of the General Assembly of the State of Indiana in the Mexican war;

Was read a second time and referred to the select committee who have under consideration that part of the Governor's message that relates to the Mexican war.

No. 172. An act fixing an annual compensation to the auditor of Delaware county;

Was read a second time; when,

On motion by Mr. Trimble,

"Five hundred dollars" was struck out from said bill, and "six hundred dollars" inserted in lieu thereof.

Said bill was then ordered to a third reading.

No. 135 was read a second time and referred to a select committee of Messrs. Dole and others.

No. 164. An act to authorize county auditors to sell lands at private sale, which have been bid in for the use of the school fund;

Was read a second time, and referred to a select committee of Messrs. Dobson, Carr of Lawrence, and Palmer.

No. 52. An act to amend the practice in the probate court;

Was read a second time and referred to the committee on the judiciary.

No. 194. A joint resolution on the subject of arming our light companies with rifles;

Was read a second and third times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Ferguson,

Bill of the House,

No. 354. A bill authorizing the Governor to contract for the completion of the State Prison and for other purposes;

Was taken from the table, together with the following amendments, recommended by the select committee to whom said bill was heretofore referred:

Amend the 1st section, in the 8th line, by striking out the words "keepers and."

And in the 13th line, by inserting before the word "erection," the words "completion and;" and in the 14th line, by striking out after the word "as," the word "are," and inserting the words "he may deem."

And in section 4th, after the words "accordance with," strike out the words "specification of."

And in section 7th, after the word "estimate," insert the words "subject to the approval of the Governor;" also, immediately after the words "account thereof," insert the words "subject to the like approval."

The question being on the adoption of said amendments,

Mr. Palmer offered the following amendment to said amendments:

"That the Governor is hereby authorized and required to make and execute on the part of the State with some good and responsible person or persons, on terms the most advantageous to the State, a contract for the completion of the new State Prison, and should he deem it advisable and for the interest of the State, for the erection and construction of a keeper and warden's dwelling, upon the

plan contained in the draft of the new State Prison, or upon such other plan as he may deem most advisable, and for such other buildings and workshops as are yet necessary to be erected for the utility and advantage of said prison."

Pending which,

Mr. Harvey demanded the previous question;

Which was seconded by the House;

And the question being,

"Shall the main question be now put?"

It was decided in the affirmative.

And the main question being,

"Shall the bill be engrossed for a third reading on to-morrow?"

Messrs. Palmer and Dunham demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Arnold, Brown, Battell, Carr of Clark, Cassatt, Clark, Colms, Cravens, Crookshank, Deam, Dole, Dowling, Edwards, Ferguson, Fry, Gilleece, Gordon, Griffis, Green, Hall of Warren, Hamilton, Harding, Harlan, Harvey, Hendricks, Hicks, Hill, Holland, Huddleston, Huff, Hull, Hunt, Jones of Blackford, Julian, Kerr, Lutz, McCormack, Meredith, Miller, Moore, Palmer, Parker, Parks, Porter, Scott, Secrest, Shields, Stanfield, Stewart of Fayette, Stewart of Laporte, Summers, Thomas, Thompson, Trimble, Watts, Wise, Yaryan, and Mr. Speaker—61.

Those who voted in the negative are,

Messrs. Balding, Carr of Lawrence, Carnahan, Dunham, Hall of Posey, Hanna, Hatfield, Jenison, Johnson, Jones of Greene, Lemmonds, Lewis, Logan, Mason, May, Monk, Neal, Noel, Nofsinger, Norton, Osborn, Powell, Sleeth, Smiley, Tackett, Tebbs, Wiley, Wolfe, Woodruff, and Young—30.

So said bill was ordered to be engrossed for a third reading; when,

Mr. Palmer moved to reconsider the vote on the engrossment of said bill;

On which motion,

Messrs. Palmer and Harvey demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Arnold, Balding, Carr of Lawrence, Carnahan, Crookshank, Decker, Dunham, Hall of Posey, Hanna, Harlan, Hatfield, Holman, Jenison, Johnson, Jones of Blackford, Jones of Greene, Lemmonds, Lewis, Logan, Mason, May, Monk, Noel, Nofsinger, Osborn, Palmer, Parks, Powell, Sleeth, Smiley, Tackett, Tait, Tebbs, Wiley, Wolfe, Woodruff, and Young—37.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Brown, Battell, Carr of Clark, Cassatt, Clark, Colms, Cravens, Deam, Dole, Dowling, Edwards, Ferguson, Fry, Fuller, Gilleece, Gordon, Griffis, Green, Hall of Warren, Hamilton, Harding, Harvey, Hendricks, Hicks, Hill, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Julian, Kerr, Lutz, McCormack, Meredith, Moore, Norton, Parker, Porter, Scott, Secrest, Stanfield, Stewart of Fayette, Stewart of Laporte, Summers, Thomas, Trimble, Watts, Wise, Yaryan, and Mr. Speaker—53.

So said motion did not prevail.

HOUSE BILLS.

No. 374. An act declaring Little Blue river a public highway, in Rush county;

No. 377. An act relative to overseers of the poor, in Floyd county;

No. 378. An act to legalize an act of the board of county commissioners of Elkhart county;

No. 381. A joint resolution in relation to the "School Friend" newspaper;

No. 385. An act to amend the act incorporating the town of Connersville, in the county of Fayette, approved February 15th, 1841;

No. 386. A joint resolution in relation to granting land to Mr. Whitney to enable him to construct a railroad from Lake Michigan to the Pacific Ocean;

No. 387. An act to amend an act entitled "An act for the relief of the securities of William H. Darnall, late school commissioner of Hendricks county, approved January 19, 1846;

No. 388. An act authorizing the county commissioners of Noble county to make an allowance to the treasurer of said county for collecting road tax receipts;

No. 394. A bill authorizing the trustees of school district No. 5, in township 37, range 3 east, in St. Joseph county, to levy a tax to build a school house;

No. 397. An act to change the name of Ann Amanda Woodward;

No. 398. An act authorizing Michael English to build a mill dam across the Salamania river;

No. 400. An act relative to the seminary fund in Laporte county.

No. 401. A bill to authorize the auditor of Harrison county to make a deed therein named.

No. 402. An act for the relief of the estate of William N. Hood, deceased.

No. 404. An act to repeal a certain act therein named relative to performing labor on roads and highways in Orange county.

No. 407. An act legalizing the elections of certain justices of the peace in Clark county.

No. 408. An act to amend the law now in force regulating the granting of license to tavern keepers so far as relates to the county of Fountain.

No. 411. An act to locate a State road in the counties of Cass and Pulaski.

No. 412. An act to locate a State road in Hamilton county.

No. 413. A bill to provide for the location of a State road in St. Joseph county.

No. 416. An act for the relief of James Boyer, of Clark county.

No. 419. An act to establish public highways in the county of Boone.

No. 417. An act to change the name of the town of New York, in Switzerland county, State of Indiana.

Were each severally read a second time and ordered to be engrossed for a third reading.

No. 375. A bill to prevent the spread of Canada thistles;

Was read a second time, when

Mr. Smiley moved to lay said bill on the table;

Which motion did not prevail.

Mr. Neal moved to indefinitely postpone the bill;

Which motion did not prevail.

Said bill was then referred to a select committee of Messrs. Hunt, Balding, and Yaryan.

No. 376. A bill for the relief of the White Water Valley Canal Company.

No. 379. An act for the relief of Michael McCall.

No. 383. An act supplemental to an act entitled "An act for the relief of David Burr;

Were each severally read a second time and referred to the committee on canals and internal improvements.

No. 380. A bill to raise a revenue for State purposes for 1847;

Was read a second time, when

The House resolved itself into a committee of the whole on said bill,

With Mr. Miller in the chair,

And after some time spent therein, the Speaker resumed the chair, and Mr. Miller reported that the committee had had the same under consideration, and made one amendment thereto, viz:

"Make an additional tax of 5 mills for the benefit of the deaf and dumb asylum;"

In which the concurrence of the House is respectfully requested.

Which said amendment was concurred in by the House, and said bill as amended was read a second time and ordered to be engrossed for a third reading.

No. 382. An act authorizing certain officers therein named to refund moneys improperly paid into their respective offices;

Was read a second time and referred to the committee on ways and means.

No. 390. An act to repeal an act entitled "An act to regulate the attendance of grand and pettit jurors in the fifth judicial circuit," so far as relates to the county of Hendricks.

Was read a second time, amended by inserting the counties of Hamilton and Hancock, and ordered to be engrossed for a third reading.

No. 395. An act to authorize county auditors to sell real estate in certain cases;

Was read a second time, and referred to the same select committee to whom a Senate bill on the same subject was referred, of which Mr. Dobson is chairman.

No. 396. A bill to amend an act entitled "An act to incorporate the New Albany and Corydon Turnpike Company," approved January 20, 1846;

Was read a second time, and

On motion by Mr. Porter,

The word "double" was struck out of the second section.

Mr. Porter offered the following amendment:

Amend the second section by adding at the end of said section the following proviso:

Provided that said company shall, within two years after completing said five miles, complete five consecutive miles more of said road, and upon their failure to complete the last named five miles within the time here limited, they shall cease to charge toll on the first five until it is so completed;

Which was not adopted.

Said bill was then ordered to be engrossed for a third reading.

The following message was received from His Excellency, the Governor, by Mr. Hanna, his private secretary:

Mr. Speaker:

I am directed by the Governor to inform the House of Representatives that he did, on this day, approve and sign the following bill:

No. 98. An act making an appropriation to pay J. R. Moreledge, a contractor on the Madison and Indianapolis Railroad, which originated in the House of Representatives.

And I am also directed by him to return bill No. 75, together with a message in writing, relative to the same.

January 16, 1847.

Mr. Tait made the following report:

Mr. Speaker:

The committee on enrolled bills have compared the following enrolled with the engrossed bills, and find them truly enrolled:

No. 137. An act to authorize clerks of circuit courts to administer oaths in certain cases;

No. 62. An act to amend an act entitled an act to compel speculators to pay a road tax equal to that paid by actual settlers, approved January 31st, 1842;

No. 296. An act to improve the roads in Centre township, in the county of Dearborn;

No. 108. An act in relation to notice by publication;

No. 76. An act defining the width of roads in the counties of Clinton and Tipton;

No. 111. An act to vacate certain alleys in the town of Bloomington;

No. 184. An act amendatory of an act entitled "An act for the relief of James S. Mayes, late school commissioner of Knox county, approved January 20th, 1846;

No. 67. An act fixing the time for the report of the trustees of the Indiana asylum for the education of the deaf and dumb;

No. 79. An act to amend an act entitled "An act to modify the thirtieth section, chapter sixteen of the Revised Statutes," approved January 19th, 1846;

No. 80. An act for the benefit of Parke County Seminary;

No. 174. An act for the relief of James Kitchens, of Gibson county;

No. 160. An act declaring an act therein named to be a misprint;

No. 186. An act to provide for the recording of bonds and letters of guardians;

No. 180. An act to legalize the acts of Solomon M. Semans, a justice of the peace of White river township, in Randolph county.

Whereupon the speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

The following message was received from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate have adopted the following resolution:

Resolved, That the House of Representatives be respectfully requested to return to the Senate bill of the House No. 75, entitled "An act declaring a part of Salt creek a public highway;"

Which was reciprocated by the House, and the bill returned.

No. 403. A bill to amend an act, entitled "An act to incorporate the Eel River Seminary Society," approved January 1, 1829, and for other purposes.

Was read a second time and referred to a select committee of Messrs. Palmer, Holman, and Cassatt.

No. 405. An act to extend the time of payment of interest on certain funds therein named.

Was read a second time and referred to a select committee of Messrs. Hall of Warren, and others.

No. 389. A bill for the relief of John Zulauf.

Was read a second time and referred, together with the petition of John Zulauf, to the committee on the judiciary.

No 391. A bill to amend the 39th chapter of the Revised Statutes of 1843, in regard to the duties of probate courts.

No. 409. A bill in reference to decrees in divorce cases.

No. 410. A bill to regulate the practice in cases of impeachment.

No. 428. An act to explain and carry into effect the provisions of the 17th section of chapter 4 of the Revised Statutes of 1843.

Were each severally read a second time and referred to the committee on the judiciary.

No. 421. An act authorizing the loaning of University and College funds to the State.

Was read a second time and referred to the committee on education.

Mr. Shields, on leave, introduced

No. 436. A bill for the relief of the sufferers by the late flood.

Which was read a first time and ordered to a second reading.

The Speaker laid before the House a communication from His Excellency, the Governor, enclosing an account of C. B. Davis for stationary furnished R. H. Fauntleroy, late engineer of the Wabash and Erie Canal, which was omitted in the appropriations for last year.

Which was referred to the committee on canals and internal improvements.

On motion by Mr. Lemmonds,

The House adjourned until 2 o'clock, P. M.

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2 o'clock, P. M.

The House met.

ORDERS OF THE DAY CONTINUED.

No. 424. An act to establish a free Turnpike road in the counties of Allen, Whitley, Kosciusko, and Martin.

No. 426. A bill to provide for the election of an additional justice of the peace in Jackson township, Wayne county.

No. 429. A bill changing the time of holding probate courts in Jefferson county.

No. 430. A bill to provide for the settlement of the accounts of

commissioners heretofore appointed to expend a portion of the three per cent. fund of Orange county.

No. 432. A bill providing for the sale of school section in township twenty-five north, range two east.

No. 434. A joint resolution relative to the public printing.

No. 433. An act to amend an act, entitled "An act to provide for the continuance of the construction of all the public works of this State, by private companies, and for abolishing the board of internal improvements, and the offices of 'fund commissioner and chief engineer,' approved January 28, 1842.

No. 425. A bill for the relief of the "First Regular Baptist Church of Logansport."

Was read a second time, and amended so as to have the publication of this act made at the expense of said church.

Said bill was then ordered to be engrossed for a third reading.

No. 431. An act regulating the sale of ardent spirits in Randolph county.

No. 427. A bill relative to school funds in Dearborn county.

Were each severally read a second time, and laid on the table.

No. 435. A bill for the relief of Robert Earl.

Was read a second time, and referred to the committee on canals and internal improvements.

No. 212,

Was read a second time, and referred to the select committee who have that subject under consideration; and,

On motion,

Messrs. Julian, Stanfield, and Thompson were added to said committee.

On motion by Mr. Thompson,

No. 144. An act to amend the execution laws,

Was taken from the table, and the question being on concurring in the amendment (a new bill) proposed by the judiciary committee, to whom said bill was heretofore referred,

Mr. Hull offered the following amendment thereto:

Strike out 4th section, and insert,

Sec. 4. That personal property taken in execution shall sell for the best price the same will bring at public auction and outcry, notice of the time and place of such sale having been first given for twenty days successively, by posting up written or printed notices thereof in at least three of the most public places in the township where such sale is to be made; and all laws and parts of laws coming in conflict with the provisions of this section, are hereby repealed.

Which was laid on the table.

Mr. Noel offered the following amendment:

"Strike out 'one half' and insert 'three fourths,' so far as relates to real estate."

Mr. Dunham moved to lay said amendment on the table.

On which motion,

Messrs. Noel and Neal demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Brown, Balding, Clark, Deam, Dowling, Dunham, Ferguson, Fry, Hamilton, Harvey, Hatfield, Hostetter, Huff, Julian, Miller, Moore, Norton, Palmer, Porter, Powell, Scott, Secrest, Shields, Smiley, Stanfield, Stewart of Laporte, Summers, Tebbs, Thompson, Watts, Wolfe, and Yaryan—34.

Those who voted in the negative are,

Messrs. Battell, Carr of Clark, Carr of Lawrence, Carnahan, Colms, Cravens, Decker, Dole, Edwards, Fuller, Gilleece, Griffis, Green, Hall of Posey, Hall of Warren, Hanna, Harlan, Harding, Hendricks, Hicks, Hill, Holland, Holman, Huddleston, Hull, Hunt, Jenison, Johnson, Jones of Blackford, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Lutz, Mason, May, M'Cormack, Meredith, Monk, Neal, Noel, Osborn, Parker, Parks, Sleeth, Stewart of Fayette, Tackett, Tait, Thomas, Trimble, Wiley, Wise, Woodruff, Young, and Mr. Speaker —56.

So said amendment was not laid on the table.

And pending further action thereon,

The following message was received from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate have adopted the following preamble and resolutions:

Whereas, the Honorable Abraham Cuppy, Senator of the counties of Whitley, Kosciusko, and Elkhart, departed this life at the Palmer House, in this city, on this day at 2 o'clock, P. M.: Therefore,

Be it resolved, That the Senate of the State of Indiana deeply feel the affliction of Divine Providence in the removal of one of their number by death; and while they submit with reverence, they will long cherish the memory of the sterling virtues of their departed friend.

2. *Resolved*, That the members of this General Assembly deeply condole with the widow and relations of the deceased in their irreparable loss, and direct the Secretary of the Senate to forward to the widow of the deceased a copy of these resolutions.

3. *Resolved*, That a committee of three on the part of the Senate, and a like committee on the part of the House, be appointed to make the necessary arrangements for the removal of the remains of our departed friend to his late residence in Whitley county, and that the expense be paid by the State.

4. *Resolved*, That the members of this General Assembly will wear the usual badge of mourning during the present session, and will attend the remains of our deceased friend to the limits of this city at such time as the friends and the committee shall prepare for his removal.

5. *Resolved*, That the House of Representatives be requested to concur herein, and, as an additional mark of respect, the Senate will adjourn until to-morrow morning 9 o'clock.

Messrs. Marsh and Rockhill have been appointed said committee on the part of the Senate.

In which the concurrence of the House is respectfully requested.

And thereupon,

On motion by Mr. Palmer,

It was,

Resolved unanimously, That the House reciprocate the resolutions of the Senate in relation to the loss sustained by that body in the death of the Hon. Abraham Cuppy.

Resolved unanimously, That as a token of the respect entertained by this House for the memory and virtues of the deceased, the members of this House will wear the usual badge of mourning during the remainder of the session.

Resolved unanimously, That a committee of three on the part of this House be appointed to act with a similar committee of the Senate, to make arrangements for conveying the remains of the deceased to his late residence in Whitley county.

Resolved unanimously, That a copy of these resolutions be transmitted by the Speaker of this House to the family of the deceased.

Resolved unanimously, That the clerk of this House be directed to convey a copy of these resolutions to the Senate.

Resolved unanimously, That as a further mark of respect for the deceased, this House now adjourn until to-morrow morning, nine o'clock.

Messrs. Palmer, Parker, and Colms were appointed said committee on the part of the House.

And thereupon,

The House adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING, January 19th, 1847.

The House met pursuant to adjournment.

On motion by Mr. Summers,

The reading of the journal for Monday was dispensed with.

The consideration of the bill pending before the House at the adjournment on last evening, was postponed until two o'clock, P. M.

PETITIONS, &C. ON LEAVE, PRESENTED.

By Mr. Edwards, a petition from sundry citizens of the county of Vigo, asking corporate powers to connect by railroad the eastern and western lines of the State of Indiana, to run through Richmond, Indianapolis, and Terre Haute;

Which was referred to the committee on corporations.

By Mr. Battell, the petition of J. P. Elliott and others;

Which was referred to a select committee of Messrs. Battell, Miller, and Carnahan.

By Mr. Green, the petition of sundry citizens of Clark and Washington counties for the establishing of the boundary line between said counties;

Which was referred to a select committee of Messrs. Green, Ferguson, and Shields.

By Mr. Carr of Lawrence, the petition of sundry citizens of Jackson county, praying to be attached to the county of Lawrence;

Which was referred to a select committee of Messrs. Carr of Lawrence, Shields, and Dunham.

By Mr. Cravens, the petition of J. W. Robison and others, for the survey of a certain road in Ripley county;

Which was referred to the committee on roads.

By Mr. Cravens, the petition of Lawrence Single and others for a licensed race course;

Which was referred to a select committee of Messrs. Cravens, Hamilton, and Yaryan.

By Mr. Dowling, the petition of William D. Lee of Vigo county, praying for relief;

Which was referred to the committee on claims.

Mr. Wolfe, on leave, made the following report:

Mr. Speaker:

The select committee to whom was referred a petition of sundry citizens of Sullivan county, praying to have abolished the office of county auditor of said county, have had the same under considera-

tion and have directed me to report the following bill and recommend its passage, and ask to be discharged from the further consideration of the subject.

No. 437. An act to abolish the office of county auditor in the county of Sullivan;

Was read a first and second times, the rules being suspended, and ordered to be engrossed for a third reading.

Mr. McCormack, on leave, introduced

No. 438. A bill to revive and amend an act to incorporate the Lafayette Insurance Company, approved February 8, 1836;

Which was read a first and second times, the rules being suspended, and referrred to the committee on corporations.

Mr. Holland, on leave, made the following report:

Mr. Speaker :

The committee on claims, to whom was referred the petition of Carey S. Goodrich, have had the same under consideration, and have directed me to report the following bill, in accordance with the prayer of said petition, and recommend its passage.

No. 439. A bill for the relief of Carey S. Goodrich;

Was read a first time and ordered to a second reading.

Mr. Hostetter, on leave, made the following report:

Mr. Speaker:

The select committee to whom was referred Senate bill No. 151, have had the same under consideration, and have directed me to report said bill back to the House and recommend its passage.

No. 151. A bill for the location of a State road in the counties of Hendricks, Putnam, and Montgomery;

Was read a second time, and ordered to a third reading.

Mr. Lewis, on leave, made the following report:

Mr. Speaker:

The committee on canals and internal improvements, to whom was referred a resolution of the House instructing said committee to inquire into the expediency of providing by law for the sale of stock held by the State in the Madison and Indianapolis railroad, and the White Water canal, have had the subject under consideration and directed me to report that legislation on the subject at this time would be inexpedient, and ask to be discharged from the further consideration of the subject.

Which was concurred in.

On leave, the following bills were introduced:

By Mr. Scott;

No. 440. An act to vacate a certain alley in the town of Greencastle;

Which was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

By Mr. Deam:

No. 422. An act to allow the county commissioners to repair a bridge in Wells county.

By Mr. Jones of Blackford:

No. 443. A bill to improve a certain road therein named.

Which were each severally read a first and second times, the rules being suspended, and ordered to be engrossed for a third reading.

Mr. Mason, on leave, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of John Carter, of Brown county, a purchaser of saline lands in said county, have had the same under consideration, and directed me to report the following bill, and recommend its passage.

No. 441. An act for the relief of John Carter, a purchaser of saline lands in Brown county.

Was read a first time, and ordered to a second reading.

Mr. Tait, on leave, made the following report:

MR. SPEAKER:

The committee to whom was referred sundry petitions and remonstrances from citizens of Dearborn county, in relation to settling or rather straightening the boundary line between the counties of Ohio and Dearborn, have had the subjects under consideration, and the committee is well aware, that there is much justice, if not imperious necessity, in granting the prayer of the petitioners; but inasmuch as the petitions have been so long delayed (by obstructions to mail facilities) in their arrival, to this body, and the present session of the General Assembly being so nearly at a close, that there is great doubt as to whether they could receive that attention they require.

Therefore your committee respectfully report, that to consider the subject any further at this time is inexpedient, and ask to be discharged from the further consideration of it.

Which was concurred in.

Mr. Holland, on leave, made the following report:

Mr. Speaker:

The committee on claims to whom was referred the petition of Elias Murray and others, have had the same under consideration, and have directed me to report the following bill in pursuance of the prayer of said petitioners, and recommend its passage.

No. 444. A bill for the relief of Elias Murray.
Was read a first time, and ordered to a second reading.
Mr. Mason, on leave, presented a petition for a divorce;
Which was laid on the table.
Mr. Watts, on leave, made the following report:

Mr. Speaker:

The committee on benevolent and scientific institutions, to whom was referred the petition of Samuel Miles, have had the same under consideration, and directed me to report that the object of said petition has been provided for in the bill passed the House providing for the establishment of an institute for the education of the blind, and ask to be discharged from the further consideration of the subject.

Which was concurred in.
Mr. Jones of Greene, made the following report:

Mr. Speaker:

The committee on canals and internal improvements to which was referred House bill No. 233, have had the same under consideration, and have instructed me to report the same back to the House, and recommend its indefinite postponement, and ask to be discharged from the further consideration of the subject.

Which was concurred in.
And said bill, "For the relief of Thomas Ross,"
Was indefinitely postponed.
Mr. Hamilton, on leave, made the following report:

Mr. Speaker:

The select committee to whom was referred bill of the Senate No. 107, entitled, "a bill to amend the charter of the Milford and Columbus Railroad Company," have considered the same, made one amendment thereto, and recommend its passage.

The amendment to said bill is as follows:
Sec. —. That said company under the provisions of this act, and of the act to which this act is an amendment, may construct

and extend said road from the town of Milford, in the county of Decatur, to the town of St. Omar, in said county.

Which was concurred in by the House.

And said bill was read a second time, and ordered to a third reading.

Mr. Dole, on leave, made the following report:

Mr. Speaker:

The committee on canals and internal improvements to which was referred bill of the House, No. 379, entitled, "an act for the relief of Michael McCall, have had the same under consideration, and have directed me to report the same back to the House, and recommend its passage.

Said bill was read a second time, and ordered to a third reading.

Mr. Tebbs, on leave, introduced

No. 445. A joint resolution relative to the removal of the remains of the late Hon. Tilghman A. Howard.

Which was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Kerr, on leave, made the following report:

Mr. Speaker:

The committee on canals and internal improvements to whom was referred bill of the House, No. 232, entitled, "a bill for the relief of E. F. Lucas, have had the same under consideration, and instructed me to report the bill back to the House, and recommend that it be indefinitely postponed.

Which was concurred in, and said bill indefinitely postponed.

Mr. Smiley, on leave, introduced

No. 446. An act to legalize certain proceedings in Tippecanoe county.

Which was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Dunahm, on leave, made the following report:

Mr. Speaker:

The committee on the judiciary, to which was referred House bill No. 358, "an act to quiet titles in Clark's grant," have duly considered the same, and have instructed me to report the same back with the accompanying amendments, and when so amended, to recommend its passage, and the committee ask to be discharged from the further consideration of the subject.

The following are the amendments reported by said committee.

Amend in the 1st section in the 16th line, by inserting after the word "conveyance" the following: "or any power of attorney or other instrument by authority of which any such sale or conveyance has been or attempted to be made."

And in the 18th line, by inserting after the word "certifying," the words "of any."

And by adding the following: "or for the want of any acknowledgment, or on account of any legal disability of the person, officer, agent, or attorney, making such sale or conveyance, or in any other case whatsoever, where such lands have been held quietly and peaceably under an adverse title for thirty years next preceding the commencement of said suit by the occupant, or the person or persons from whom he may derive title, either in his or their own right, or in the right of any person under whom he may claim."

Insert the following section:

Sec. 2. Nothing in this act shall be so construed as to repeal the present statute of limitations now in force in this State, but it shall be construed as cumulative thereto, so far as relates to lands in Clark's grant.

Amend by changing section second, to section third.

Which said amendments were concurred in by the House;

And said bill was read a second time, and ordered to be engrossed for a third reading.

Mr. Stanfield, on leave, made the following report:

Mr. Speaker:

The committee on the judiciary, to which was referred the petition of 300 citizens of Clark county, praying a change in the probate system in said county, by making the probate judge perform the duties of probate clerk—together with the remonstrance of 432 citizens of the same county against the prayer of said petition, have had the same under consideration, and directed me to report that the committee are of opinion that the prayer of said petition ought not to be granted;

Which report was concurred in.

Mr. Stanfield, on leave, made the following report:

Mr. Speaker:

The committee on the judiciary, to which was referred bill of the Senate No. 141, "An act to vest the title to land in the heirs, devisees, or assignees of the purchasers of land in certain cases when said purchaser has died, or shall hereafter die before the date of the patent or deed of conveyance," have had the same under consideration, and

have directed me to report the same back, and recommend its passage.

Said bill was read a second time and ordered to a third reading.

Mr. Dunham, on leave, made the following report:

Mr. Speaker:

The committee on the judiciary, to which was referred Senate bill No. 100, "An act relative to the assignment of dower, and to amend article 3, chapter 45 of the Revised Statutes of 1843," have had the same under consideration and directed me to report the same back, and recommend its passage, and the committee ask to be discharged from the further consideration of the subject.

Said bill was read a second time and ordered to a third reading.

Mr. Julian, on leave, made the following report:

Mr. Speaker:

The select committee, to whom was referred Senate bill No. 158, have had the same under consideration, and have directed me to report the same back to the House, and recommend its passage, and the committee ask to be discharged from the further consideration of the same.

No. 158. A bill relating to a settlement made by the agent of State with Leonard, Woodburn, and others;

Was read a second time and ordered to a third reading.

Mr. Stanfield, on leave, made the following report:

Mr. Speaker:

The committee on the judiciary, to which was referred Senate bill No. 118, "In relation to retailing intoxicating liquors in Laporte county," have had the same under consideration, and directed me to report the same back and recommend its passage;

Said bill was read a second time and ordered to a third reading.

Mr. Julian, on leave made the following report:

Mr. Speaker:

The judiciary committee to whom was referred bill of the House No. 292, have had the same under consideration, and have directed me to report the same back, and recommend its passage, and the committee ask to be discharged.

No. 292. A bill to change the mode of obtaining license to retail spirituous liquors in Decatur county;

Was read a second time and laid on the table.

Mr. Julian, on leave, made the following report:

Mr. Speaker:

The select committee, to whom was referred petition No. 8, from Stephen Coffin, and others, praying an act incorporating the town of Williamsburgh, Wayne county, Indiana, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 447. An act to incorporate the town of Williamsburgh, in Wayne county, Indiana;

Which was read a first and second times, the rules being suspended, and ordered to be engrossed for a third reading.

Mr. Porter, on leave, made the following report:

Mr. Speaker:

The judiciary committee, to whom was referred the petition of Margaret Wade, and others, and also sundry other papers relative to the same subject, praying for an amendment of the act incorporating the Lagrange Phalanx, have had that subject under consideration, and have directed me to report the accompanying bill in pursuance of the prayer of the petitioners.

No. 448. An act to amend an act entitled "An act to incorporate the Lagrange Phalanx, approved January 13th, 1845;

Which was read a first time and ordered to a second reading.

Mr. Julian, on leave, made the following report:

Mr. Speaker:

The judiciary committee, to whom was referred bill of the House No. 336, have had the same under consideration, and have directed me to report that, in their opinion, it is inexpedient to legislate upon the subject, and the committee recommend its indefinite postponement, and ask to be discharged.

Which report was concurred in, and

Said bill indefinitely postponed.

Mr. Dunham, on leave, made the following report:

Mr. Speaker:

The select committee, to which was referred the petition of William Smith, of Washington county, have had the same under con-

sideration, and have directed me to report the following bill, and recommend its passage, and said committee ask to be discharged from the further consideration of the subject:

No. 449. An act for the relief of William Smith;

Was read a first time and ordered to a second reading.

Mr. Palmer, on leave, made the following report:

Mr. Speaker:

The joint committee appointed to make arrangements for the funeral of the Hon. Abraham Cuppy, late Senator from the counties of Elkhart, Kosciusko, and Whitley, have directed me to report the following

Order of Arrangements for the Funeral of the Hon. Abraham Cuppy, *deceased, late a member of the Senate, from the counties of Elkhart, Kosciusko, and Whitley.*

The Members and Officers of the Senate will meet in their Chamber at 10 o'clock, to-morow morning.

The Members and Officers of the House of Representatives will meet in the Hall at the same hour.

ORDER OF PROCESSION.

The Reverend Clergy.

Pall Bearers. } corpse. { Pall Bearers.

The Representatives from the Senatorial district composed of the counties of Elkhart, Kosciusko, and Whitley, as mourners.

Governor.

Committee of Arrangements.

President and Secretary of the Senate.

Members and Officers of the Senate.

Speaker and Clerk of the House of Representatives.

Members and Officers of the House of Representatives.

Judges of the Supreme Court.

Officers of State.

Citizens generally.

The Procession will form at the Capitol at 10 o'clock, A. M., and proceed to the Palmer House, and return from thence with the Corpse to the Hall of the House of Representatives, where Divine Service will be performed by the Rev. Mr. Owen.

After the conclusion of Divine Service, the Procession will move in like order to the limits of the city.

The Pall Bearers will consist of—

Mr. Edmonston,	Mr. Read,
Mr. English,	Mr. Zenor,
Mr. Simpson,	Mr. Orth,
Mr. Day,	Mr. Bradbury.

The procession will be under the supervision of Mr. Barbour, as Marshal, assisted by Messrs. Parks and Fuller, as Assistant Marshals.

January 18, 1847.

Which report was concurred in by the House.

Whereupon the House adjourned until 2 o'clock, P. M.

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2 *o'clock, P. M.*

The House met.

The following message was received from the Governor by Mr. J. McClain Hanna, his private secretary.

Mr. Speaker:

I am directed by the Governor to inform the House of Representatives, that he did on yesterday, approve and sign the following bills, to-wit:

No. 240. An act to incorporate the Christian Church, on White river, in Stony Creek township, Randolph county, Indiana.

No. 155. An act to locate a State road from Logansport, to Marion, Grant county.

No. 166. An act to locate a State road in the counties of Wells and Adams.

No. 227. An act for the relief of William Taggart, and his securities.

No. 228. An act to legalize the proceedings of the board of county commissioners of Adams county, and for other purposes.

No. 171. An act to relocate a portion of a State road in the counties of Kosciusko and Marshall.

No. 154. An act to amend an act entitled, "an act to incorporate the trustees of the Indiana Asbury University," approved January 10, 1837.

No. 131. An act authorizing the Secretary of State to make a deed in a certain case.

No. 102. An act forming separate corporations for school pur-

poses of township number one north, of range ten west, in Gibson and Knox counties.

No. 61. An act to extend the time of receiving work on road tax in the counties therein named.

No. 138. An act to locate a State road in Randolph and Wayne counties.

No. 209. An act to more particularly define the boundary line between the counties of Gibson and Warrick.

No. 118. An act amendatory to an act for the relief of Delaware and Grant counties, approved January 13, 1844.

No. 175. An act to locate a State road in the counties of Grant and Madison.

No. 86. An act to extend the benefit of a certain act therein named, to the counties of Carroll and Clinton.

No. 170. An act for the better protection of religious assemblies.

No. 161. An act for the safe-keeping of the records of Ohio county.

No. 169. An act for the improvement of the Cambridge City and FortWayne State road, in the county of Wells.

No. 66. An act to reduce the expenses of Floyd county.

No. 94. An act making an appropriation for the arrest of Silas Doty, a fugitive from justice.

No. 184. An act amendatory of an act, entitled "An act for the relief of James S. Mayes, late school commissioner of Knox county," approved January 20, 1846.

No. 174. An act for the relief of James Kitchens, of Gibson county.

No. 80. An act for the benefit of Parke County Seminary.

No. 137. An act to authorize clerks of circuit courts to administer oaths in certain cases.

No. 186. An act to provide for the recording of bonds and letters of guardians.

No. 160. An act declaring an act therein named a misprint.

No. 76. An act defining the width of roads in the counties of Clinton and Tipton.

No. 67. An act fixing the time for the report of the trustees of the Indiana Asylum for educating the deaf and dumb.

No. 79. An act to amend an act, entitled "An act to modify the thirtieth section, chapter sixteen, of Revised Statutes," approved January 19, 1846.

No. 111. An act to vacate certain alleys in the town of Bloomington.

No. 296. An act to improve the roads in Centre township, in the county of Dearborn.

No. 62. An act to amend an act, entitled "An act to compel speculators to pay a road tax equal to that paid by actual settlers," approved January 31, 1842.

No. 108. An act in relation to proof of notice by publication.

No. 139. An act to establish a State road in the county of Dearborn.

No. 307. An act changing the time of holding the probate courts in the county of St. Joseph.

No. 185. An act to incorporate the trustees of the Underwood Burying Ground.

No. 96. An act for the improvement of the breed of horses, jackasses, and mules in the counties of Blackford and Kosciusko.

No. 152. An act to amend the 48th chapter, article 5th, of the Revised Statutes of 1843, in regard to writs of *ad quod damnum*.

No. 40. An act to legalize the acts of masters in chancery in the county of Huntington.

No. 103. An act to repeal an act entitled, "an act for the protection of wild fruit growing on the public lands in the counties of Lake, Porter, Laporte, St. Joseph, Marshall, Fulton, and Kosciusko," approved January 13, 1844, so far as relates to the county of Pulaski.

No. 226. An act to vacate certain streets and alleys in the town of Cambridge.

No. 271. An act to amend the 8th section of an act regulating the fees and salaries of the several officers and persons therein named, approved February 7th, 1831.

No. 207. An act to locate a State road in the counties of Wells, Blackford, and Jay, in the State of Indiana.

No. 121. An act authorizing the sale of section 16, in township No. 27 north, range 7 east.

No. 158. An act to amend an act entitled, an act to relocate a portion of the State road leading from Greenfield, Hancock county, to Lebanon, in Boone county," approved January 15, 1846.

No. 123. An act to repeal the 3d section of an act entitled, "an act to provide for the re-appraisement of real estate heretofore appraised and subject to taxation, and for other purposes.

Also the following joint resolution:

No. 220. A joint resolution of the General Assembly of the State of Indiana.

All of which originated in the House of Representatives.

January 19th, 1847.

Mr. Tait made the following report:

Mr. Speaker:

The committee on enrolled bills have compared the bill No. 323, entitled "An act for the relief of Abram Hendricks & Son," with the engrossed bill, and find it truly enrolled.

No. 251. An act providing for the settlement of a claim of Adam Moderwell.

No. 250. An act in regard to the former surplus revenue agent in Perry county (John Elder) and his securities.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

No 144. A bill to amend the execution laws,

Which was pending at the adjournment on yesterday, was taken up, when

Mr. Miller moved a call of the House,

Which was seconded by the House.

After having spent some time therein, and excusing from attendance Messrs. Walker and Cassatt,

On motion by Mr. Palmer,

The further call was suspended.

The question before the House being on the adoption of the amendment reported by the judiciary committee, to whom said bill was heretofore referred,

Mr. Dole offered the following as an amendment thereto:

"Amend by striking out 'one-half,' where it occurs in the first section, and insert in lieu thereof 'two-thirds.'"

Mr. Hull moved to lay said amendment on the table.

On which motion,

Messrs. Neal and Balding demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Balding, Carr of Lawrence, Carnahan, Clark, Crookshank, Dowling, Dunham, Gordon, Hall of Posey, Hall of Warren, Harding, Harlan, Harvey, Hendricks, Hill, Holman, Hostetter, Hull, Julian, Moore, Parker, Porter, Powell, Secrest, Shields, Smiley, Stanfield, Stewart of Laporte, Summers, Tait, Thompson, Watts, and Yaryan—35.

Those who voted in the negative are,

Messrs. Brown, Battell, Carr of Clark, Colms, Cravens, Deam, Decker, Dobson, Dole, Edwards, Ferguson, Fuller, Gilleece, Griffis, Green, Hanna, Hatfield, Hicks, Holland, Huddleston, Huff, Hunt, Jenison, Johnson, Jones of Blackford, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Lutz, Mason, May, McCormack, Meredith, Miller, Monk, Neal, Noel, Nofsinger, Norton, Osborn, Parks, Scott, Stewart of Fayette, Tackett, Tebbs, Thomas, Trimble, Wiley, Wilson, Wise, Wolfe, Woodruff, Young, and Mr. Speaker—56.

So said amendment was not laid on the table.

Mr. Jones of Greene moved to lay said bill and amendments on the table;

On which motion,

Messrs. Neal and Jones of Greene demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Balding, Dobson, Hall of Warren, Holman, Jones of Greene, Lemmonds, Lewis, Logan, Mason, May, Miller, Monk, Neal, Osborn, Parks, and Trimble—17.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Brown, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Colms, Cravens, Crookshank, Deam, Decker, Dole, Dowling, Dunham, Edwards, Ferguson, Fuller, Gordon, Griffis, Green, Hall of Posey, Hamilton, Hanna, Harding, Harlan, Harvey, Hatfield, Hendricks, Hicks, Hill, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Jenison, Johnson, Jones of Blackford, Julian, Kerr, Lutz, McCormack, Meredith, Moore, Noel, Nofsinger, Parker, Porter, Powell, Scott, Secrest, Shields, Sleeth, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Summers, Tackett, Tait, Tebbs, Thomas, Thompson, Watts, Wiley, Wilson, Wise, Wolfe, Woodruff, Yaryan, Young, and Mr. Speaker—75.

So said motion did not prevail.

The question then recurring on the adoption of the amendment proposed by Mr. Dole,

Messrs. Cravens and Neal demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Brown, Battell, Carr of Clark, Carnahan, Clark, Colms, Cravens, Crookshank, Deam, Decker, Dobson, Dole, Dowling, Edwards, Ferguson, Fuller, Gilleece, Griffis, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Harlan, Harvey, Hatfield, Hicks, Holland, Hostetter, Huddleston, Huff, Hunt, Jenison, Johnson, Jones of Blackford, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Lutz, Mason, May, McCormack, Meredith, Miller, Monk, Neal, Noel, Nofsinger, Osborn, Parks, Scott, Sleeth, Smiley, Stewart of Fayette, Suit, Tackett, Tait, Tebbs, Thomas, Thompson, Trimble, Watts, Wiley, Wilson, Wise, Wolfe, Woodruff, Young, and Mr. Speaker—71.

Those who voted in the negative are,

Messrs. Anthony, Balding, Carr of Lawrence, Dunham, Hamilton, Hendricks, Hill, Holman, Hull, Julian, Moore, Parker, Porter, Powell, Secrest, Shields, Stanfield, Stewart of Laporte, Summers, and Yaryan—21.

So said amendment was adopted.

Mr. Colms offered the following amendment:

"Amend so as to require all personal property, either turned out

by the plaintiff or defendant, to bring one half its fair appraised value, except upon judgment obtained by presentment or indictment, or judgment obtained before justices of the peace for misdemeanors, or for forfeitures of recognizances that may by law be required to be paid into the county seminary fund."

Mr. Dole offered the following as a modification of the above, which was accepted by Mr. Colms:

Provided, That executors and administrators may take notes for any property sold by them as such executor or administrator, payable without any relief from valuation or appraisement laws."

Mr. Lewis moved to indefinitely postpone the bill and amendments.

On this motion,

Messrs. Lewis and Neal demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Balding, Dobson, Gilleece, Harvey, Hendricks, Holman, Jones of Greene, Lemmonds, Lewis, Logan, Mason, May, Miller, Monk, Neal, Noel, Parks, and Trimble—19.

Those who voted in the negative are,

Messrs. Addleman, Brown, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Colms, Cravens, Crookshank, Deam, Decker, Dole, Dowling, Dunham, Edwards, Ferguson, Fuller, Gordon, Griffis, Green, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Harlan, Hatfield, Hicks, Hill, Hostetter, Huddleston, Huff, Hull, Hunt, Jenison, Johnson, Julian, Kerr, Lutz, McCormack, Meredith, Moore, Nofsinger, Osborn, Palmer, Parker, Porter, Powell, Secrest, Shields, Sleeth, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tackett, Tait, Tebbs, Thomas, Thompson, Watts, Wiley, Wilson, Wise, Wolfe, Woodruff, Yaryan, Young, and Mr. Speaker—71.

So said bill was not indefinitely postponed.

Mr. Stanfield moved to lay the amendment of Mr. Colms on the table.

On this motion,

Messrs. Colms and Dole demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Brown, Battell, Carr of Clark, Carnahan, Clark, Deam, Ferguson, Fuller, Gordon, Hall of Posey, Hall of Warren, Hamilton, Harding, Hendricks, Hicks, Hill, Holman, Hostetter, Huddleston, Hull, Hunt, May, Meredith, Moore, Palmer, Porter, Powell, Scott, Secrest, Shields, Stanfield, Stewart of Fayette,

Stewart of Laporte, Summers, Trimble, Wise, Yaryan, and Mr. Speaker—39.

Those who voted in the negative are,

Messrs. Anthony, Balding, Carr of Lawrence, Colms, Cravens, Crookshank, Decker, Dobson, Dole, Dowling, Edwards, Gilleece, Griffis, Green, Hanna, Harlan, Harvey, Hatfield, Holland, Huff, Jenison, Johnson, Jones of Blackford, Kerr, Lemmonds, Lewis, Logan, Lutz, Mason, Miller, Monk, Neal, Noel, Nofsinger, Osborn, Parks, Sleeth, Smiley, Suit, Tackett, Tait, Tebbs, Thomas, Thompson, Watts, Wiley, Wilson, Wolfe, Woodruff, and Young—51.

So said amendment was not laid on the table.

Mr. Shields moved to reconsider the vote on indefinitely postponing the bill and amendments.

Which motion did not prevail.

The question being on the adoption of the amendment of Mr. Colms,

Messrs. Balding and Hull demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Balding, Carr of Lawrence, Carnahan, Clark, Colms, Cravens, Crookshank, Dobson, Dole, Dowling, Edwards, Fuller, Gordon, Gilleece, Griffis, Green, Hall of Warren, Hall of Posey, Hamilton, Hanna, Harding, Harlan, Harvey, Hatfield, Holman, Huddleston, Huff, Jenison, Johnson, Jones of Blackford, Kerr, Lemmonds, Lewis, Logan, Lutz, Mason, M'Cormack, Meredith, Miller, Monk, Neal, Noel, Nofsinger, Osborn, Parks, Smiley, Stewart of Fayette, Suit, Tait, Tebbs, Thompson, Trimble, Woodruff, and Young—55.

Those who voted in the negative are,

Messrs. Addleman, Brown, Battell, Carr of Clark, Deam, Decker, Ferguson, Hendricks, Hicks, Hill, Hostetter, Hull, Hunt, May, Moore, Parker, Porter, Powell, Secrest, Scott, Shields, Sleeth, Stanfield, Stewart of Laporte, Summers, Thomas, Watts, Wiley, Wilson, Wise, Wolfe, Yaryan, and Mr. Speaker—33.

So said amendment was adopted.

Mr. Carnan offered the following amendment:

"That section second and third of an act entitled "An act to require the Bank to continue specie payments, and to enable it to maintain them," approved January 13th, 1843, be and the same are hereby repealed."

Pending further action thereon,

On motion by Mr. Hanna,

The House adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, January 20, 1847.

The House met pursuant to adjournment.

On motion by Mr. Hamilton,

The reading of the journal of yesterday was dispensed with.

Bill of the House,

No. 144. A bill to amend the execution laws;

Which was pending at the adjournment on yesterday, was taken up, together with the several amendments thereto.

Mr. Stanfield moved to lay the bill and amendments on the table.

Pending which,

Mr. Hanna moved a call of the House;

Which was seconded.

Mr. Clark was excused attendance on account of sickness.

On motion by Mr. Hamilton,

The further call was suspended.

The question then being on the motion of Mr. Stanfield, to lay the bill and amendments on the table,

Messrs. Stanfield and Hanna demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Brown, Colms, Dobson, Ferguson, Gilleece, Hamilton, Hanna, Harding, Harvey, Hendricks, Holland, Holman, Huffstetter, Jones of Greene, Julian, Lemmonds, Mason, May, McCormack, Meredith, Miller, Monk, Neal, Powell, Smiley, Stanfield, Suit, Summers, Trimble, and Wise—32.

Those who voted in the negative are,

Messrs. Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Cravens, Deam, Decker, Dowling, Dunham, Edwards, Fry, Fuller, Gordon, Griffis, Green, Hall of Posey, Hall of Warren, Hatfield, Hostetter, Huddleston, Hull, Johnson, Jones of Blackford, Kerr, Moore, Noel, Nofsinger, Norton, Osborn, Parker, Parks, Porter, Scott, Secrest, Shields, Sleeth, Stewart of Fayette, Stewart of Laporte, Tackett, Tait, Tebbs, Thomas, Thompson, Watts, Wiley, Wilson, Wolfe, Woodruff, Yaryan, Young, and Mr. Speaker—51.

So said motion did not prevail.

Mr. Thompson moved to make the bill the special order of the day, in committee of the whole House, for to-morrow morning at ten o'clock.

Which motion did not prevail.

On motion by Mr. Yaryan,

Said bill was referred to a select committee of Messrs. Yaryan, Secrest, Dole, Stanfield, Noel, and Wolfe.

Mr. Colms moved to instruct the committee to make the following amendment:

"After the word "fund," insert which shall sell without the benefit of appraisement."

Which was,

On motion by Mr. Thompson,

Laid on the table.

Mr. Mason moved to instruct the committee to make the following amendment:

"*Provided, however*, That merchants, practising attorneys at law, and practising physicians, shall not have the benefit of said law in any manner whatever."

Which was,

On motion by Mr. Griffis,

Laid on the table.

Mr. Secrest, on leave, made the following report:

Mr. Speaker:

The standing committee of ways and means have had under consideration the general appropriations for the year 1847, and have directed me to report the following bill on that subject, and respectfully recommend its passage.

No. 450. An act making general appropriations for the year 1847.

Which was read a first time, and ordered to a second reading.

The Speaker laid before the House a communication from his excellency, the Governor, relative to a certain claim therein mentioned.

Which was referred to the committee on ways and means.

The Speaker also laid before the House the report of the commissioners appointed to view the State prison, &c.

Which was referred to the committee on the State prison.

The Speaker also laid before the House a communication from the Secretary of State.

Which was referred to the committee on the State library.

The following message was received from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following bill.

No. 249. A bill to amend an act entitled, "an act declaratory of

the meaning of the 29th section of the 3d article of the 31st chapter of the Revised Statutes of 1843.

In which the concurrence of the House is respectfully requested.

Said bill was read a first time, and ordered to a second reading.

The following message was received from the Senate, by Mr. Jones, their secretary.

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill thereof.

No. 257. An act to amend an act, entitled, "an act to incorporate the city of New Albany, and to repeal all laws now in force incorporating the town of New Albany," approved February 14, 1839.

In which the concurrence of the House of Representatives is respectfully requested.

Said bill was read a first time, and ordered to a second reading.

A message from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I have been directed by the Senate to inform the House of Representatives, that they have passed engrossed bills of the House, as follows:

No. 80. For the benefit of Parke county seminary;

No. 108. In relation to proof of notice by publication;

No. 111. To vacate certain alleys in the town of Bloomington;

No. 137. To authorize clerks of circuit courts to administer oaths in certain cases;

No. 152. To amend the 48th chapter, article 5th, of the Revised Statutes of 1843, in regard to writs of ad quod damnum;

No. 160. Declaring an act therein named to be a misprint;

No. 174. For the relief of James Kitchens of Gibson county;

No. 180. To legalize the acts of Solomon M. Semans, a justice of the peace of White River township, in Randolph county;

No. 184. Amendatory of an act entitled, "an act for the relief of James S. Mayes, late school commissioner of Knox county," approved January 20, 1846;

No. 186. To provide for the recording of bonds and letters of guardians;

No. 188. To change the name of Anna James, to that of Anna Churchman;

No. 189. To authorize Gabriel Johnson to build a mill dam across the Mississinnewa river, in Grant county;

No. 195. To locate a certain road therein named;

No. 196. To authorize Jonathan W. Elliott to use the water power at the Mount Pleasant mills, in Noble county;

No. 197. To incorporate the institute of fine arts in Bowling Green, Clay county;

No. 202. To amend chapter one of the Revised Statutes of 1843;

No. 206. In relation to road districts in the county of Huntington;

No. 210. To legalize the election of trustees of the town of Vernon, in Jennings county;

No. 211. To repeal "an act regulating road tax in the county of Jasper;"

No. 213. To establish a certain State road therein named;

No. 218. To amend an act, and to extend the provisions to Madison connty;

No. 230. For the relief of purchasers of the saline lands in Orange county;

No. 239. For electing supervisors by districts in the counties of Wabash and Boone;

No. 244. To amend the charter of Cambridge City, Wayne county;

No. 254. To change the name of Eliza Ann Camden, to Eliza Ann Sidwell;

No. 279. To extend the jurisdiction of justices of the peace in Lagrange county;

No. 312. Fixing the time of holding courts in the 8th judicial circuit;

All without amendment; also,

No. 15. To amend an act entitled, "an act fixing the time of holding the courts in the ninth judicial circuit," approved January 19, 1846;

No. 130. Granting to probate judges in this State the right of taking acknowledgments of deeds and other instruments in writing, and for other purposes;

No. 136. Exempting improvements on real estate from taxation in the counties of Kosciusko and Miami;

No. 224. Relative to granting letters of guardianship;

All with amendments, in which the concurrence of the House of Representatives is respectfully requested.

The amendments of the Senate to bills Nos. 15, 126, and 224, were each read and concurred in by the House.

The amendment of the Senate to bill No. 130, was concurred in with the following amendment:

"*Be it enacted by the General Assembly of the State of Indiana.*"

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Jones, their secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed engrossed bills thereof, as follows:

No. 203. To authorize the suing out of a writ of *ad quod damnum* in a certain case therein named;

No. 211. To incorporate the town of Point Commerce, in Greene county;

No. 216. To amend section 37, article 2, chapter 35, of the Revised Statutes of 1843, relative to divorces;

No. 226. To legalize the publication of the delinquent list of Tippecanoe county, and authorizing the sale of the delinquent lands on the 1st Monday in March next;

No. 227. To legalize certain deeds;

No. 234. To locate a State road therein named;

No. 236. To incorporate the Evangelical Lutheran St. Paul's Church, in Indianapolis;

No. 239. For the relief of Maria Hazzard;

No. 240. To locate State roads in the counties of Lake and Porter;

No. 241. To authorize a trustee to order elections of trustees in the town of Washington;

In which the concurrence of the House of Representatives is respectfully requested.

Bill No. 239, in said message mentioned,

Was read, and rejected by the House.

The remainder were each read a first time, and ordered to a second reading.

A message from the Senate, by Mr. Jones, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the House without amendment, viz:

No. 63. To regulate the chancery practice;

No. 109. Defining the duties of county treasurers;

No. 187. To incorporate the Kosciusko Medical Society of Kosciusko county, Indiana;

No. 208. To establish an institution for the education of the blind of the State of Indiana;

No. 217. Fixing the time of holding the terms of the probate court in the county of Marion;

No. 225. To compel non-residents to pay a road tax equal to that of residents;

No. 235. To legalize the acts of the board of county commis-

sioners of Sullivan county, and the auditor thereof, and for other purposes;

No. 248. To authorize the location and establishment of a State road from Salem, in Washington county, by Lawrenceport, on White river, to Bedford, in Lawrence county;

No. 250. In regard to the former surplus revenue agent in Perry county (John Elder) and his securities;

No. 251. Providing for the settlement of a claim of Adam Moderwell;

No. 274. To amend the 144th section, of the 30th chapter of the Revised Statutes of 1843;

No. 289. To amend an act entitled "An act relative to leveeing the Wabash river in Shaker Prairie," approved January 14th, 1846;

No. 291. To incorporate the town of Muncie, in Delaware county;

No. 305. To locate a State road between the counties of Noble and Lagrange;

No. 311. To amend an act entitled "An act relative to overseers of the poor," approved January 15, 1844;

No. 316. To authorize the citizens of Wabash county to build a bridge across the Wabash river on dam No. 2, in said county;

No. 345. A joint resolution to authorize the making of estimates for the completion of the new State Prison, and for other purposes.

The Senate have also passed bills of the House

No. 60. To fix the time of holding courts in the tenth judicial circuit;

No. 178. To incorporate the Logansport and Wabash Bridge Company—each with an amendment;

In which the concurrence of the House of Representatives is respectfully requested.

The amendments to said bill were each read and concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill thereof:

No. 209. An act to amend and explain an act, entitled "An act for the relief of the heirs of the late Captain Richard McCarty," approved January 15, 1846, and to quiet the titles of occupants of lands therein named;

In which the concurrence of the House is respectfully requested.

Said bill was read a first and second times, the rules being suspended, and ordered to a third reading.

A message from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed engrossed bills thereof, as follows:

No. 92. An act to give married women power to make wills, and to repeal section 9, chapter 30 of the Revised Statutes of 1843;

No. 157. An act to repeal an act more effectually to enable supervisors to open and keep in repair roads and highways;

No. 225. An act to authorize the judge of the probate court of Shelby county to take acknowledgments of deeds and other instruments of writing, and to grant and try writs of habeas corpus;

No. 229. An act to authorize George W. Lane, administrator of the estate of Arthur St. Clair to purchase property at his own sale.

No. 238. An act to incorporate the Belmont Manufacturing Company;

No. 248. An act to change the time of holding the February term of the probate court in the county of Johnson;

No. 250. An act granting to Thomas J. Godman, sen., the privilege of supplying the city of Madison with water;

No. 254. An act concerning the practice of the circuit court in the 13th judicial circuit, and repealing an act providing for a special term in Decatur county;

No. 195. A joint resolution authorizing the printing of certain acts with the laws of this session;

No. 251. A joint resolution to suspend part of a certain act therein named;

In which the concurrence of the House of Representatives is respectfully requested.

Bills numbered 92, 157, 225, 229, 238, 195, and 251, in said message were each read a first time and ordered to a second reading.

No. 248 was read a first and second times, the rules being suspended, when an amendment (a new bill) was substituted, and the bill as amended read and ordered to a third reading.

No. 250 was read a first and second times, the rules being suspended, amended, the rules suspended, read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 254 was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Jones, their secretary;

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed engrossed bills of the House as follows:

No. 214. An act to amend section 128, chapter 16 of the Revised Statutes of 1843;

No. 222. An act to amend section 414, chapter 40 of the Revised Statutes of 1843, relative to the advertising of real estate at sheriff's sale;

No. 286. An act to establish and re-locate a State road in Vigo county;

No. 323. An act for the relief of Abram Hendricks & Son;

No. 340. An act to legalize the marriage of William Howell and Mary Howell;

No. 255. A joint resolution relative to the public lands in the county of Gibson;

All without amendment.

No. 90. An act in relation to the service of subpœnas in chancery;

No. 95. To incorporate the Delphi Manufacturing Company;

No. 142. An act requiring the supervisors of roads in Sullivan county to make report at the March term in each year, and for other purposes;

No. 181. An act for the protection of the property of married women;

No. 241. An act to amend an act entitled "An act to incorporate the town of Columbus, in Bartholomew county, Indiana," approved February 6, 1839;

No. 275. An act to incorporate the Greenfield and Shelbyville Railroad Company;

Each with amendments;

In which the concurrence of the House of Representatives is respectfully requested.

I am also directed to inform the House of Representatives that the Senate have concurred in the amendments of the House to bill of the Senate

No 68, fixing the time of holding the circuit courts in the county of Marion, with sundry amendments;

In which the concurrence of the House is respectfully requested.

The amendments of the Senate to bills of the House were each read and concurred in by the House.

The amendments of the Senate to the amendments of the House to Senate bill No. 68, were read and concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Jones, their secretary.

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that they have passed engrossed bills and joint resolutions of the House as follows:

No. 38. An act defining the mode of publishing the delinquent tax lists in the several counties in this State, without amendment;

No. 237. An act to provide for the election of prosecuting attorneys by the people in the several counties;

No. 168. A joint resolution praying confirmation of the selection of lands made in 1843, to aid in completing the Wabash and Erie canal;

Each with amendments, in which the concurrence of the House is respectfully requested.

Said amendments were read and concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Jones, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed engrossed bills thereof as follows:

No. 169. An act to incorporate the Fort Wayne and Cambridge City railroad company;

No. 177. An act fixing a certain annual compensation to the auditor of Madison county;

No. 215. An act to authorize the probate judges of the counties of Decatur, Dearborn, Fountain, and Laporte, to grant writs of habeas corpus;

No. 230. An act declaring Big Blue river, in Rush county, a public highway;

No. 231. An act to authorize the school trustees of township 9, range 2 west, in Franklin county, to sell certain real estate;

No. 232. An act to locate a certain State road therein named;

No. 233. An act authorizing the county commissioners of Hamilton county to make an additional allowance to the auditor of said county;

In which the concurrence of the House is respectfully requested.

Said bills were each read a first time and ordered to a second reading.

A message from the Senate, by Mr. Jones, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed engrossed bills of the House, without amendment, as follows:

No. 49. An act to authorize the executors of the estate of Jacob Sinks, late of Wayne county, deceased, to sell certain real estate;

No. 231. An act to legalize certain proceedings of the probate court of Allen county;

No. 246. An act to authorize writs of ne exeat;

No. 268. An act to authorize the probate judge of Dearborn county to issue writs of habeas corpus;

No. 320. An act to regulate and change the time of holding courts in the fourth judicial circuit, and authorizing special chancery courts to be held therein;

No. 341. An act to amend an act giving the right to the voters of Marion county to decide as to authorizing licenses to retail spiritous liquors in their townships, approved January 19, 1846;

No. 359. An act to establish an additional election precinct in Deer Creek township, Perry county, and for other purposes;

No. 362. An act to legalize the marriage of Celia Lowder and Henry Perdue of Daviess county;

No. 364. An act to provide for an additional place of holding elections in Clark county;

No. 366. An act providing for the election of township assessors in Hancock county;

No. 368. An act to change the time of holding probate courts in Parke county;

No. 417. An act to provide for the holding of special terms of the circuit court in the county of Jefferson;

No. 129. An act declaring a certain act therein named to be in force;

No. 281. An act relating to auditor's fees in Bartholomew county;

No. 342. An act authorizing Nelson Peck and Elmore H. Wilcox to continue a mill dam across the Iroquois river, in Jasper county;

Each with an amendment, in which the concurrence of the House is respectfully requested.

Said amendments were each read and concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate have passed engrossed bills thereof, as follows:

No. 178. An act to provide for ascertaining a part of the boundary line between the counties of Cass and Miami;

No. 179. An act to extend the privileges of the State Library to the benevolent institutions of the State;

No. 180. An act to incorporate the Perrysville seminary;

No. 181. An act for the relief of county treasurers;

No. 183. An act to locate a State road in the counties of Noble, Whitley, and Kosciusko;

No. 184. An act to establish a State road in the county of Jay;

No. 185. An act defining the duties of the treasurer, auditor, and supervisors of highways in the county of Dearborn;

No. 193. An act to incorporate the Laurel and Moscow turnpike company, in the counties of Franklin and Rush;

No. 212. An act giving additional powers to the board of commissioners of Tippecanoe county;

No. 214. An act to amend an act entitled "An act for the relief of Charles Purcell, late collector of Posey county," approved January 8, 1842;

In which the concurrence of the House of Representatives is respectfully requested.

Said bills were each read a first time and ordered to a second reading.

A message from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate have passed engrossed bills thereof:

No. 3. An act providing for holding a convention to revise and amend the constitution of the State of Indiana;

No. 188. An act for the relief of Daniel Dayhuff;

No. 243. An act to amend an act approved January 19, 1846;

No. 243½. An act to authorize the trustees of township No. 5 south, of range 5 east, in Harrison county, to subdivide the township;

No. 246. An act to authorize the citizens of Carroll county to construct a side-cut canal at Delphi;

In which the concurrence of the House of Representatives is respectfully requested.

The Senate have also passed engrossed bill of the House, without amendment,

No. 337. An act to authorize settlers on the public land to petition for county roads.

Bills numbered 3, 243½, and 243, were each read a first time and ordered to a second reading.

No. 188 was read a first and second times, the rules being suspended, and referred to the committee on claims.

No. 246 was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate have passed engrossed bills thereof, as follows:

No. 163. An act to amend the 15th chapter of the Revised Statutes;

No. 220. An act to vacate certain lots and streets in the town of New London, in the county of Daviess;

No. 221. An act for the relief of Joseph P. Smith, of Lake county.

In which the concurrence of the House of Representatives is respectfully requested.

Said bills were each read a first time and ordered to a second reading.

A message from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate have passed engrossed bills of the House, as follows:

No. 296. An act to improve the roads in Centre township, in Dearborn county;

No. 300. An act for the relief of Henry Wells, sheriff of Lake county;

No. 303. An act for the relief of the inhabitants of district No. 6, in township No. 2 north, of range 2 east, in the counties of Washington and Orange;

No. 310. An act providing for the fees of the auditor of Hancock county;

No. 319. An act in relation to grand juries in the county of Washington;

No. 339. An act to authorize the probate judge of Fountain county to issue writs of habeas corpus and take acknowledgments of deeds;

All without amendment.

No. 253. An act to vacate certain alleys in the town of Greencastle, Putnam county;

With one amendment, in which the concurrence of the House of Representatives is respectfully requested.

The amendment to said bill was read and concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate have passed engrossed bills thereof:

No. 199. An act to allow widows to avail themselves of the law

allowing them one hundred and fifty dollars of their husband's effects;

No. 255. An act for the relief of Ninian Haskins, Jr.;

No. 260. An act to change the name of Wesley P. Hitchcock to that of Wesley P. David;

No. 261. An act to provide for the opening of a State road in the counties of Dearborn and Ripley;

No. 262. An act granting to the citizens of the town of Evansville, in the county of Vanderburgh, a city charter;

In which the concurrence of the House of Representatives is respectfully requested.

Bill No. 199 was read a first time and ordered to a second reading.

Bills numbered 255, 260 and 262 were each read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

No. 269 was read a first and second times, the rules being suspended, and ordered to a third reading.

A message from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate have passed the following engrossed bill thereof:

No. 219. An act to amend an act entitled "An act authorizing Joseph Quinn and James Norvell to erect toll bridges," approved January 13, 1845;

In which the concurrence of the House is respectfully requested.

Said bill was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Jones, their secretary.

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House, without amendment:

No. 423. An act to change the time of holding the probate court of Ripley county;

Said bill was read a first time and ordered to a second reading.

A message from the Senate, by Mr. Jones, their secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate have reciprocated the resolution of the House fixing the time of going into the election of a State Printer, with the following amendment:

Strike out "Thursday, half past 10 o'clock, A. M.," and insert "Friday, the 22d inst., at half past 2 o'clock, P. M."

In which amendment the concurrence of the House is respectfully requested.

Which was concurred in.

Mr. Stanfield moved to reconsider the vote on concurring in the above.

Which motion did not prevail.

A message from the Senate, by Mr. Jones, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that they did, on yesterday, pass the following resolution:

Resolved, That the Senate will, the House concurring therein, go into the election of President Judge for the thirteenth judicial circuit, and State Printer, on to-morrow (this) evening, at seven o'clock, P. M.

In which the concurrence of the House of Representatives is respectfully requested.

Mr. Dowling moved to concur in the resolution by striking out "State Printer."

On this motion,

Messrs. Powell and Suit demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Brown, Battell, Carr of Lawrence, Carnahan, Crookshank, Deam, Dobson, Dole, Dowling, Edwards, Fuller, Gordon, Green, Hall of Posey, Hall of Warren, Hanna, Harvey, Hatfield, Hendricks, Hill, Hull, Jones of Greene, Kerr, Lewis, Mason, Meredith, Miller, Moore, Neal, Noel, Nofsinger, Porter, Scott, Sleeth, Smiley, Stewart of Fayette, Tebbs, Thompson, Watts, and Mr. Speaker—41.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Arnold, Balding, Carr of Clark, Cassatt, Colms, Cravens, Decker, Dunham, Ferguson, Fry, Gilleece, Griffis, Hamilton, Harding, Harlan, Holland, Holman, Hostetter, Huddleston, Huff, Huffstetter, Hunt, Johnson, Jones of Blackford, Julian,

Lemmonds, Logan, Lutz, May, McCormack, Monk, Norton, Osborn, Palmer, Parker, Parks, Powell, Shields, Stanfield, Stewart of Laporte, Suit, Summers, Tackett, Tait, Thomas, Trimble, Wiley, Wilson, Wise, Wolfe, Woodruff, Yaryan, and Young—55.

So said motion did not prevail.
Mr. Logan moved to reconsider the vote just taken.
On this motion,
Messrs. Suit and Cravens demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Battell, Carnahan, Dobson, Dole, Dowling, Edwards, Fuller, Gordon, Green, Hall of Posey, Hall of Warren, Harvey, Hendricks, Hill, Hull, Hunt, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Lutz, Meredith, Miller, Moore, Noel, Nofsinger, Osborn, Parker, Scott, Smiley, Stewart of Fayette, Tait, Tebbs, Watts, Wilson, Wise, and Mr. Speaker—40.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Arnold, Balding, Carr of Clark, Carr of Lawrence, Cassatt, Clark, Colms, Cravens, Crookshank, Deam, Decker, Dunham, Ferguson, Fry, Gilleece, Griffis, Hamilton, Hanna, Harding, Harlan, Hatfield, Holland, Holman, Hostetter, Huddleston, Huff, Huffstetter, Johnson, Jones of Blackford, Julian, Mason, May, McCormack, Monk, Neal, Norton, Palmer, Parks, Porter, Powell, Shields, Sleeth, Stanfield, Stewart of Laporte, Suit, Summers, Tackett, Thomas, Trimble, Wiley, Wolfe, Woodruff, Yaryan, and Young—56.

So said vote was not reconsidered.
Mr. Cravens moved the previous question,
Which was seconded by the House.
And the previous question being,
"Shall the main question be now put?"
Messrs. Cravens and Suit demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Balding, Carr of Clark, Carr of Lawrence, Cassatt, Colms, Cravens, Deam, Decker, Ferguson, Fry, Gilleece, Griffis, Hamilton, Hanna, Harlan, Holland, Holman, Hostetter, Huddleston, Huff, Huffstetter, Johnson, Jones of Blackford, Mason, May, McCormack, Monk, Neal, Palmer, Parks, Porter, Powell, Shields, Stanfield, Stewart of Laporte, Suit, Summers, Tait, Thomas, Trimble, Wiley, Wolfe, Yaryan, and Young—46.

Those who voted in the negative are,

Messrs. Brown, Battell, Carnahan, Clark, Crookshank, Dobson, Dole, Dowling, Edwards, Fuller, Griffis, Green, Hall of Posey, Hall of Warren, Harding, Harvey, Hatfield, Hendricks, Hicks, Hill, Hull, Hunt, Jones of Greene, Julian, Kerr, Lemmonds, Lewis, Logan, Meredith, Miller, Moore, Noel, Nofsinger, Osborn, Parker, Scott, Sleeth, Smiley, Stewart of Fayette, Tackett, Tebbs, Watts, Wilson, Wise, Woodruff, and Mr. Speaker—46.

So the main question was not ordered to be put.

Mr. Yaryan moved a new count;

Which the Chair decided to be out of order, on account of the new count being demanded after the result was announced from the clerk's desk.

From this decision Mr. Cravens took an appeal to the House.

The question then being,

"Shall the decision of the Chair be the decision of the House?"

Messrs. Cravens and Miller demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Brown, Battell, Carr of Lawrence, Carnahan, Clark, Deam, Dobson, Dole, Dowling, Edwards, Fuller, Gordon, Green, Hall of Posey, Hall of Warren, Harding, Harvey, Hendricks, Hicks, Hill, Holland, Hull, Hunt, Jenison, Jones of Greene, Julian, Kerr, Lewis, Logan, Lutz, Mason, May, Meredith, Miller, Moore, Neal, Noel, Nofsinger, Osborn, Parker, Parks, Scott, Sleeth, Smiley, Stewart of Fayette, Summers, Tebbs, Watts, Wilson, Wise, and Woodruff—52.

Those who voted in the negative are,

Messrs. Addleman, Arnold, Balding, Cassatt, Colms, Cravens, Crookshank, Decker, Dunham, Fry, Gilleece, Griffis, Hamilton, Hanna, Harlan, Hatfield, Holman, Hostetter, Huddleston, Huff, Huffstetter, Johnson, Jones of Blackford, Lemmonds, McCormack, Monk, Norton, Palmer, Porter, Powell, Shields, Stewart of Laporte, Suit, Tackett, Tait, Thomas, Trimble, Wiley, Wolfe, Yaryan, and Young —41.

So the decision of the Chair was sustained.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Mr. Watts, petition of James W. Spencer, et alias.

Referred to the committee on roads.

By Mr. Parker, petition of sundry citizens of Allen county in relation to a State road.

Referred to the committee on roads.

By Mr. Parks, a petition in relation to the revenue of Fulton county.

Referred to a select committee consisting of Messrs. Parks, Woodruff, Stanfield, and others.

By Mr. Mason, a remonstrance in relation to the Bloomington and Morgantown State road.

Referred to the committee on roads.

By Mr. Tait, petition of citizens of Switzerland county, asking to be attached to the county of Ohio.

Referred to a select committee consisting of Messrs. Tait, Hamilton, and Yaryan.

By Mr. Palmer, petition of citizens of Cass county for the repeal of a certain law therein named.

Which was referred to a select consisting of Messrs. Palmer, Hanna, and Suit.

By Mr. Yaryan, petition of judges James Snowden, William Cason, and 99 others.

Which was referred to the committee on agriculture.

By Mr. Norton, petition of the citizens of the county of Elkhart for the repeal of the appraisement laws.

Which was referred to the committee on the judiciary.

By Mr. Parker, petition of the citizens of Allen county in relation to a deed therein named.

Which was referred to the committee on claims.

By Mr. Holman, a petition of citizens of Miami county.

Which was referred to a select committee of Messrs. Holman, Palmer, and Decker.

By Mr. Holman, a petition of sundry citizens of Miami county in relation to the valuation and appraisement laws.

Which was referred to the committee on the judiciary.

By Mr. Carnan, a petition of sundry citizens of Knox county in relation to mechanics' tools.

Which was referred to the committee on the judiciary.

By Mr. Harlan, the petition of John Small and fifty-three others, of the county of Grant, in relation to the repeal of the law requiring persons of color to give bond, &c.

Which was referred to the committee on the judiciary.

By Mr. Thompson, petition of superintendent of common schools for remuneration for services.

Which was referred to the committee on claims.

On motion by Mr. Tait,

Messrs. Hull, Balding, and Hamilton were added to the committee on enrolled bills.

By Mr. Suit, a petition from sundry citizens of Clinton county for a new county.

By Mr. Crookshank, a petition of sundry citizens of Franklin county in relation to German schools.

By Mr. Hicks, petition of George King and 195 others, citizens of Johnson county, on the subject of licensing groceries in said county.

Which were severally laid on the table.

Mr. Tait made the following report:

Mr. Speaker:

The committee on enrolled bills have compared the following enrolled with the engrossed bills, and find them truly enrolled.

No. 248. An act to authorize the location and establishment of a State road from Salem, in Washington county, by Lawrenceport on White river, to Bedford, in Lawrence county.

No. 286. An act to establish and relocate a State road in Vigo county.

No. 291. An act to incorporate the town of Muncie, in Delaware county.

No. 255. A joint resolution relative to the public lands in the county of Gibson.

No. 274. An act to amend the 144th section of the 30th chapter of the Revised Statutes of 1843.

No. 316. An act to authorize the citizens of Wabash county to build a bridge across the Wabash river on dam No. two, in said county.

No. 222. An act to amend section 414 of chapter 40, of the Revised Statutes of 1843, relative to the advertising of real estate at sheriff's sale.

No. 214. An act to amend chapter 16, Revised Statutes of 1843.

No. 337. An act to authorize settlers on the public lands to petition for county roads.

No. 289. An act to amend an act relative to leveeing the Wabash river on Shaker Prairie, approved January 14, 1846.

No. 365. A joint resolution to authorize the making of estimates for the completion of the new State prison, and other purposes.

No. 305. An act to locate a State road between the counties of Noble and Lagrange.

No. 423. An act to change the time of holding the probate court of Ripley county.

No. 360. An act to legalize the marriage of William Howell, and Mary Howell.

No. 235. An act to legalize the acts of the board of county commissioners of Sullivan county and the auditor thereof, and for other purposes.

No. 217. An act fixing the time of holding the terms of the probate court in the county of Marion.

No. 225. An act to compel non-residents to pay a road tax equal to that of residents.

No. 187. An act to incorporate the Kosciusko county, Indiana.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

Mr. Dunham made the following report:

Mr. Speaker:

The committee on the judiciary, to which was referred Senate bill No. 14, entitled, "an act to enable executors and administrators to settle estates," have had the same under consideration, and have instructed me to report the same back with the following amendment, and when so amended, to recommend its passage, and said committee ask to be discharged from the further consideration of the subject.

The amendments mentioned in the above report, (a new bill,) were concurred in, and said bill was read a second time, and passed to a third reading.

Mr. Dunham made the following report;

Mr. Speaker:

The committee on the judiciary to whom was referred Senate bill No. 102, relative to executions, have had the same under consideration, and have instructed me to report the same back with the accompanying amendments, and when so amended, to recommend its passage, and said committee ask to be discharged from the further consideration of the subject.

The amendments reported by said committee were concurred in.

Mr. Thompson moved to amend so that property levied upon shall in no case be sold for less than one half of its appraised value.

Which was,

On motion by Mr. Suit,

Laid on the table.

Said bill was then ordered to a third reading.

Mr. Julian made the following report:

Mr. Speaker:

The judiciary committee to whom was referred bill of the House No. 410, have had the same under consideration, and have instructed me to report the same back to the House and recommend its passage, and the committee ask to be discharged, &c.

Said bill was read a second time, and ordered to be engrossed for a third reading.

Mr. Dunham made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred House bill No. 347, "an act to provide for the more speedy collection of the seminary funds," have had the same under consideration, and have directed me to report the same back with the accompanying amendments, and when so amended, to recommend its passage, and said committee ask to be discharged from the further consideration of the subject.

Said amendments were concurred in by the House, and said bill was read a second time, and ordered to be engrossed for a third reading.

Mr. Julian made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred bill of the Senate, No. 52, have had the same under consideration, and have instructed me to report it back to the House, striking out the 5th, 6th, and 7th sections, and when so amended, recommend its passage, and the committee ask to be discharged.

Pending the question of concurring in the amendments made to said bill by said committee,

On motion by Mr. Hall of Warren,

The House adjourned until two o'clock, P. M.

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2 o'clock, P. M.

The House met.

Mr. Harvey moved a call of the House,

Which was seconded.

Mr. Harvey moved that the absentees be sent for;

Which motion did not prevail.

The further call was then suspended.

Bill of the Senate No. 152, which was pending at the adjournment at noon, was taken up.

The amendments reported by the judiciary committee, to whom said bill was referred, were concurred in, and said bill was ordered to a third reading.

Mr. Julian made the following report:

Mr. Speaker:

The judiciary committee, to whom was referred bill of the House No. 258, have had the same under consideration, and have directed me to report the same back with a recommendation that it be indefinitely postponed; and the committee ask to be discharged, &c.

Which was concurred in, and said bill was indefinitely postponed.

Mr. Dobson, on leave, introduced,

No. 451. A joint resolution legalizing the acts of Benjamin A. Allison, administrator of the estate of Amasa Jocelin, late of Owen county;

Which was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Harvey,

The vote taken on putting the main question on reciprocating the resolution of the Senate relative to going into the election of State Printer and President Judge of the thirteenth judicial circuit, this evening, was reconsidered.

The question then being,

"Shall the main question be now put?"

It was decided in the affirmative.

And the main question being,

"Shall the resolution of the Senate be reciprocated by the House?"

It was decided in the affirmative.

Ordered, That the clerk inform the Senate thereof.

Mr. Porter made the following report:

Mr. Speaker:

The judiciary committee to whom was referred bill of the House No. 409, entitled, "a bill in reference to decrees in divorce cases, have had that subject under consideration, and have directed me to report the same back with an amendment, and if so amended, to recommend its passage.

Said amendments were concurred in, and said bill was read a second time, and ordered to be engrossed for a third reading.

Mr. Porter made the following report:

Mr. Speaker:

The judiciary committee, to whom was referred the petition of Samuel McTeer and others, on the subject of licensing persons to retail spirituous liquors, have had that subject under consideration, and inasmuch as a bill on the same subject has been before the House, and has been there acted on, they deem any further action

on the petition unnecessary, and ask to be discharged from any further consideration of the subject;

Which was concurred in.

Mr. Parker made the following report:

Mr. Speaker:

The judiciary committee, to whom was referred bill of the House No. 420, a bill to abolish the office of probate judge in Allen county, have had the same under consideration, and a majority of said committee have directed me to report the same back to the House without amendment, and recommend its passage.

Said bill was read a second time, and

On motion by Mr. Palmer,

It was indefinitely postponed.

Mr. Harlan made the following report:

Mr. Speaker:

The judiciary committee, to which was referred bill of the House No. 309, entitled "An act amendatory to the 30th chapter of the Revised Statutes of 1843," have had the same under consideration, and directed me to report the same back to the House without amendment, and recommend its passage.

Said bill was read a second and third times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Harlan made the following report:

Mr. Speaker:

The judiciary committee, to which was referred bill of the House No. 372, "To provide for publishing the general laws of this State," have had the same under consideration, and directed me to report the same back, and recommend its indefinite postponement;

Which was concurred in, and said bill was indefinitely postponed.

Mr. Sleeth made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred Senate bill No. 87, entitled "An act relative to costs, in reference to appeals from judgments of justices of the peace, and in actions of trespass,

and trespass on the case where the title to real estate shall come in question," have had that subject under consideration, and directed me to report the same back, and recommend its passage.

Said bill was read a second time, when,
On motion by Mr. Palmer,
It was indefinitely postponed.
Mr. Sleeth made the following report:

Mr. Speaker:

The judiciary committee, who have been instructed by a resolution of this House to inquire into the expediency of so amending the 5th and 6th articles of chapter 45 of the Revised Laws of 1843, as to authorize each justice of the peace in this State to try with or without a jury all cases of tenants holding over, and forcible entry and detainer," have had the subject under consideration, and directed me to report legislation thereon inexpedient, and ask to be discharged from a further consideration of the subject;

Which was concurred in.
Mr. Hunt made the following report:

Mr. Speaker:

The committee on education, to whom was referred that part of the petition of sundry colored citizens of Jefferson county, which directs the attention of the legislature to the "inequality in the distribution of the school funds," have considered the subject, and directed me to report that the committee believe it inexpedient to legislate on that subject, and ask to be discharged from its further consideration;

Which was concurred in.
Mr. Hunt made the following report:

Mr. Speaker:

The committee on education, to whom was referred a bill of the House (No. 421) authorizing the loaning of University and College funds to the State, have considered the subject and directed me to report the same back to the House without amendment, and recommend its passage.

Said bill was read a second time and ordered to be engrossed for a third reading.
Mr. Thompson made the following report:

MR. SPEAKER:

The committee on claims, to which was referred bill No. 422, allowing John Briggs a certain sum for his attendance as a witness in the Johnson impeachment case, have instructed me to report it back without amendment, and recommend its passage.

Said bill was read a second time and ordered to be engrossed for a third reading.

Mr. Holland made the following report:

MR. SPEAKER:

The committee on claims to whom was referred bill No. 393, of the House, entitled "A bill to provide for a settlement with Jesse and Elias Beard," have had the same under consideration, and have directed me to report the same back to the House with the following amendments, and when so amended recommend its passage.

Said amendments were concurred in.

And said bill was read a second a time and ordered to be engrossed for a third reading.

Mr. Dole, made the following report:

MR. SPEAKER:

The committee on canals and internal improvements to whom was referred resolution of the House instructing said committee to "inquire what amount of damage has been sustained by the canal and feeder dam near the bluffs of White River by the recent flood," &c., have instructed me to report that they have no means of ascertaining the amount of damages referred to, and therefore ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Dole made the following report:

MR. SPEAKER:

The committee on canals and internal improvements to whom was referred resolution of the House in relation to the damages done by the late flood to the northern division of the Central Canal, together with the report of Stearns Fisher, engineer, upon the same subject, have directed me to report the same back to the House, and recommend that the same be referred to the select committee appointed by the House upon that subject.

Which was concurred in, and said resolution so referred.

Mr. Dole made the following report:

Mr. Speaker:

The committee on canals and internal improvements, to whom was referred bill of the House No. 173, entitled "An act to amend an act in relation to the northern division of the Central Canal," have directed me to report the same back to the House, and recommend that the same be referred to the select committee appointed by the House to inquire into that subject.

Which was concurred in, and said bill so referred.

Mr. Dole made the following report:

Mr. Speaker:

The committee on canals and internal improvements to whom was referred bill of the House No. 376, have had the same under consideration, and have directed me to make the following report:

This bill embraces provisions of great interest to the State, and particularly to a portion of it immediately interested in the canal running through the valley of White Water. It is known to the members of this House, that during the recent disastrous floods, a considerable portion of the White Water Canal has been seriously injured, to an amount probably reaching the sum of one hundred thousand dollars. The State, under the Internal Improvement Act of 1835–6, expended upon that work over eleven hundred thousand dollars, and soon after the suspension of the public works in 1839, it went into the hands of a private company, the State reserving to herself the right of redeeming the same at any period after fifteen years, by paying the actual amount of outlay made by the company. This company has expended, up to the present time, the sum of $571,000. The condition and prosperity of this work, under private management, was all that its friends could desire; and both the company and the citizens of Indiana had every reason to believe that the day was not far distant when it would be a source of profit and pride to every interest of the people and the State. Running through one of the most fertile valleys of Indiana, peopled by a frugal and industrious population, no one doubted that the cherished opinions of its friends would be more than realized. The company had just completed the canal to its northern termination, and at an expense considerable and onerous for individual enterprise. The recent disasters have overtaken the company at a moment when all their cash means were exhausted by the effort put forth to complete the work, and when a certain promise for a return of the interest was held out to the stockholders. Those hopes are now blasted, unless some timely aid is given by the State.

The committee desire to take no partial or sectional view of this

question. It is one involving the deepest interest of the entire State. It involves questions which can be bounded by no geographical limits, and which no member of the committee, and no member of the House will regard as local. The people of that valley pay a full share of the taxes of Indiana; and, to their credit be it spoken, they have paid them cheerfully. This very canal has not only enhanced the amount of taxables, but it has enabled the people to pay them; and thus contributed to the general treasury, and swelled the revenues of the State. Should the canal continue in its present condition, without the funds necessary to repair it, your committee are of opinion that it will reduce the taxable property of Indiana more than the amount (thrice over) necessary to enable the company to go forward with the repairs required. This will be obvious to every member of the House, as it is to your committee.

The committee have reflected upon this matter with deep anxiety, and with a desire to meet the reasonable wishes of those interested in that work. Understanding, from undoubted sources, the *necessity* of some aid by the State, and feeling that every interest will be promoted by the provisions of the bill now returned to the House, we are the more free to recommend it, from the reflection that we cannot be suspected of any local or sectional feeling. We look upon the question as citizens of Indiana—as Representatives of her entire interests—as members of this General Assembly, laboring to promote the prosperity of the whole State. Hoping for a favorable termination of the arrangements now in progress for the adjustment of the State debt, through the bill which passed this House a few days ago by an unexampled majority, we are the more disposed to favor this measure, from the reflection that it can in no way interfere with the engagements imposed by the State Debt Bill, or retard any interest involved in it.

It will be seen that a guaranty for an interest of six per cent. to the State is made by the company, on the seventy-five thousand dollars of stock subscribed, and that, while she is serving her citizens and relieving a great work, no loss can accrue to the public interests.

With these views, the committee return the bill to the House, with an amendment, and recommend its passage.

No. 376. A bill for the relief of the White Water Valley Canal Company.

Was read a second time, and the question being on concurring in the amendment reported by said committee,

Mr. Palmer offered the following as an amendment to the said amendment.

That the treasurer be and he is hereby authorized and required to subscribe the sum of fifty thousand dollars of the capital stock of the Michigan road company, to be paid in two equal instalments on the first days of May and September, upon said company's filing

with the auditor of said State the guaranty of said company to pay an annual dividend thereon of six per cent. per annum.

Mr. Suit moved to refer said bill and amendments to the House as a committee of the whole, and make it the special order of the day for Friday next, at 2 o'clock, P. M.

Mr. Dunham moved the previous question;

Which was not seconded by the House.

Pending the further consideration of said bill,

On motion by Mr. Secrest,

The order of business was suspended for the purpose of receiving the following resolution, offered by Mr. Miller:

Resolved, That when this House adjourns this evening, they will adjourn to meet again at half past six o'clock, P. M.

Which said resolution was adopted.

The Speaker laid before the House a communication from His Excellency, the Governor.

Which was referred to the committee on claims.

On motion by Mr. Miller,

The House adjourned until half past six o'clock, P. M.

6½ o'clock, P. M.

The House met.

Mr. Hamilton, on leave, introduced bill

No. 452. An act to incorporate the Napoleon and Greensburgh turnpike company;

Which was read a first and second times, the rules being suspended, and referred to the committee on corporations.

Mr. Ferguson, on leave, introduced bill

No. 453. A bill making an appropriation to J. R. Pratt & Co. for the erection of the State Prison;

Which was read a first and second times, the rules being suspended, and referred to the committee on the State prison;

Mr. Wolfe, on leave, introduced a petition of certain citizens of Sullivan county, relative to a certain road district;

Which was referred to a select committee of Messrs. Wolfe and others.

Mr. Stewart of Fayette, on leave, introduced bill

No. 454. A bill to extend the jurisdiction of justices of the peace in the county of Fayette;

Which was read a first time and ordered to a second reading.

Mr. Anthony, on leave, introduced the following:

Resolved, That the committee on claims be instructed to inquire

into the justness of the claim of George Lennox, for taking care of William Williams, one of the Indiana Volunteers, while sick at New Albany, with leave to report by bill or otherwise.

Which was adopted.

Mr. Cravens, on leave, presented a report from the majority of the committee appointed on that part of the Governor's message relative to the Mexican war; which was also accompanied by the report of Mr. Carr of Lawrence, from the minority of the same committee.

Which reports were,

On motion by Mr. Colms,

Laid upon the table and one thousand copies of each ordered to be printed.

Mr. Harvey moved a call of the House;

Which was seconded.

And after some time spent therein,

The further call was suspended.

Mr. Stanfield, on leave, offered the following:

Resolved, That the Senate be invited to attend in the Hall of the House *instanter*, for the purpose of going into the election of a State Printer and a President Judge of the 13th judicial circuit, and that seats be provided for them on the right of the Speaker's chair.

Which was adopted.

Mr. Cravens, on leave, made a report from the select committee on the New Hampshire resolutions.

Which was laid upon the table and one thousand copies ordered to be printed.

Mr. Dunham, on leave, made the following report:

MR. SPEAKER:

The select committee to which was referred House bill No. 293. A bill to repeal a certain act therein named, have had the same under consideration, and have instructed me to report the accompanying amendments, and when so amended, to recommend its passage, and the committee ask to be discharged.

Said amendments were concurred in, and the bill as amended read a second time—the bill considered as engrossed—read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Osborn, on leave, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of Sullivan county, praying that the office of school commissioner in said county may be abolished, have had the same under

consideration and instructed me to report the following bill and recommend its passage, and ask to be discharged from the further duties thereof.

No. 455. An act to abolish the office of school commissioner of Sullivan county;

Was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Griffis, on leave, introduced bill

No. 456. A bill to legalize certain of the official acts of Solomon M. Semans, a justice of the peace of Randolph county;

Which was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Moore, on leave, introduced bill

No. 457. An act to prevent the circuit and probate courts in the county of Marion from sitting at the same time;

Which was read a first time and ordered to a second reading.

On leave, the following bills were introduced:

By Mr. Palmer:

No. 458. A bill to repeal an act entitled "An act for the relief of citizens of district No. 3, congressional township No. 28 north, of range 3 east, in Adams township, Cass county," approved January 15, 1846, and for other purposes.

By Mr. Hanna:

No. 459. An act amendatory of an act entitled "An act incorporating the town of Delphi, in Carroll county.

Which were each read a first and second times, the rules being suspended, and ordered to be engrossed for a third reading.

Mr. Harlan, chairman of a select committee, on leave, made the following report:

Mr. Speaker:

The committee to which was referred the petition of William Leach and others, of the county of Grant, on the subject of a road tax in said county, have had that subject under consideration and directed me to report the following bill and recommend its passage, to-wit:

No. 460. A bill in relation to road tax in the county of Grant;

Was read a first and second times, the rules being suspended, and ordered to be engrossed.

On motion,

Mr. Crookshank had leave to withdraw from the files the papers in the divorce case of J. Redman.

Mr. Green, on leave, made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of John Williams of Washington county, have had the same under consideration and have instructed me to report the following bill and recommend its passage, and said committee ask to be discharged from the further consideration of the subject.

No. 461. An act for the relief of John Williams of Washington county;

Was read a first and second times, the rules being suspended, and ordered to be engrossed for a third reading.

Mr. Watts, on leave, introduced bill

No. 462. An act authorizing the commissioners of the reserved township of college lands in Monroe county, to make a deed to cer-lots therein named;

Which was read a first time and ordered to a second reading.

Mr. Cassatt, on leave, made the following report:

MR. SPEAKER: .

The committee on corporations, to whom was referred "A bill to incorporate the Covington Draw-bridge Company," have had the same under consideration, and directed me to report the same back to the House, without amendment, and recommend its passage.

Said bill was ordered to be engrossed for a third reading.

Mr. Dobson made the following report:

MR. SPEAKER:

The select committee to whom was referred Senate bill No. 164, have had the same under consideration, and have directed me to report it back, with one amendment, and recommend its passage.

The amendment to said bill was concurred in by the House, and the amendments were ordered to be engrossed for a third reading.

Mr. Noel, on leave, introduced bill

No. 463. A bill for the relief of Andrew Wilson;

Which was read a first time and ordered to a second reading.

On motion by Mr. Shields,

Bill No. 436,

Was taken from the table, and together with the petition, was referred to a select committee consisting of Messrs. Shields, Dunham, Ferguson, Carr of Lawrence, and Julian.

Mr. Hall of Warren, on leave, made the following report:

Mr. Speaker:

The select committee to whom was referred House bill No. 405, have had the same under consideration, and have directed me to report the same back to the House with one amendment, and respectfully recommend its passage.

The amendment to said bill was read and concurred in by the House, and the bill, as amended, was ordered to be engrossed for a third reading.

Mr. Suit, on leave, made the following report:

Mr. Speaker:

The select committee to whom was referred bill of the Senate No. 122, entitled, "a bill to amend an act entitled, an act to incorporate the Michigan Road Company," approved January 13, 1845, and an act entitled, an act to amend an act to incorporate the Michigan Road Company, approved January 19, 1846, have had the same under consideration, and adopted the following amendment, and when so amended, respectfully recommend its passage, and ask to be discharged from the further consideration of the subject.

The amendments to said bill were concurred in, and the bill, as amended, was ordered to be engrossed for a third reading.

Mr. Porter made the following report:

Mr. Speaker:

The committee on corporations to whom was referred the petition of citizens of Vigo county, asking corporate powers to construct a railroad from the eastern to the western line of the State of Indiana, to run through Richmond, Indianapolis, and Terre Haute, have had the same under consideration, directed me to report the following bill, and recommend its passage.

No. 463. An act to incorporate the Richmond and Terre Haute Railroad Company.

Which was read a first and second times, the rules being suspended, and ordered to be engrossed for a third reading.

On motion by Mr. Meredith,

The vote on ordering bill of the Senate,

No. 35, "A bill to provide for the election of township assessors in certain counties therein named, and defining their duties,"

To a third reading, was reconsidered, and the bill then ordered to a third reading.

Mr. Carr of Lawrence, made the following report:

Mr. Speaker:

The select committee to which was referred the petition of sundry citizens of Lawrence county, praying for the repeal of the local laws on the subject of roads and highways, have, according to order, had the same under consideration, and have directed me to report the following bill, and recommend its passage.

No. 464. A bill to repeal the local laws on the subject of roads and highways in the county of Lawrence.

Which was read three several times, the rules being suspended, and passed.

Mr. Crookshank made the following report:

Mr. Speaker:

The select committee to whom was referred Senate bill No. 56, have had the same under consideration, and directed me to report it back with the following amendment, and recommend its passage.

The amendment to said bill was concurred in, and the amendment to the bill was read a second time, and ordered to be engrossed for a third reading.

Mr. Palmer made the following report:

Mr. Speaker:

The select committee to which was referred a petition of the First Regular Baptist Church of Logansport, and of sundry citizens of Cass county, have had the same under consideration, and have directed me to report in accordance with the prayer of said petition, and recommend the passage of the bill heretofore introduced on that subject.

Which report was concurred in, and the committee discharged.

Mr. Cassatt made the following report:

Mr. Speaker:

The select committee, to whom was referred Senate bill No. 135, entitled "An act requiring occupiers of mills on Eel river to make and construct a slope in their respective mill-dams," have had the same under consideration, and directed me to report the same back to the House, and recommend that it be indefinitely postponed.

Which report was concurred in.

The Senate then came in and took their seats on the right of the Speaker's chair, when both Houses, in convention, proceeded by joint ballot to the election of President Judge of the thirteenth judicial circuit—Messrs. Palmer and Harvey acting as tellers on the part of the House.

On counting the votes,

G. H. Dunn, received,	57 votes.
Andrew Davison, received,	48 votes.
Geo. Holland, received,	42 votes.
Blank,	1 vote.

No person having received a majority of all the votes given, the convention proceeded to a second balloting for the same.

On counting the votes,

Andrew Davison, received,	48 votes.
G. H. Dunn, received,	65 votes.
Geo. Holland, received,	34 votes.
Blank,	1 vote.

No person having received a majority of all the votes given, the convention proceeded to a third balloting for the same.

On counting the votes,

G. H. Dunn, received,	74 votes.
Andrew Davison, received,	46 votes.
Geo. Holland, received,	22 votes.
Scattering,	1 vote.

No person having received a majority of all the votes given, the convention proceeded to a fourth balloting for the same.

On counting the votes,

G. H. Dunn, received,	75 votes.
Geo. Holland, received,	67 votes.
Blank,	3 votes.

George H. Dunn having received a majority of all the votes given, was, by the President of the convention, declared duly elected President Judge of the thirteenth judicial circuit, to serve as such for the term of seven years from and after this date.

The convention then proceeded to *viva voce* voting for the election of a State Printer.

Those who voted for J. P. Chapman are,

Messrs. Barbour, Berry of Franklin, Berry of Monroe, Coats, Day, Edmonston, English, Green, Handy, Hardin, Henry, Howell, Jackson, Logan, Marsh, Miller, Milligan, Milliken, Parks, Read, Rockhill, Stewart, Stockwell, Taber, Waters, Arnold, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Crookshank, Deam, Decker, Dobson, Dunham, Fuller, Gilleece, Hall of Posey, Hanna, Harlan, Hatfield, Hicks, Holman, Huffstetter, Jenison, Johnson, Jones of

Blackford, Jones of Greene, Lemmonds, Lewis, Logan, Mason, May, Miller, Monk, Neal, Nofsinger, Norton, Osborn, Palmer, Parks, Secrest, Shields, Sleeth, Smiley, Tackett, Tebbs, Wiley, Wilson, Wolfe, Woodruff, and Young—72.

Mr. Tait voted for Mr. Covington—1.

Those who voted for J. D. Defrees are,

Messrs. Allison, Beard, Bowers, Bradbury, Chenowith, Clements, Coffin, Conner, Davis, Ellis, Goodenow, Hamer, Hamrick, Holloway, Morgan, Montgomery, Murphey, Orth, Osborn, Robinson, Simpson, Verbrike, Winchell, Zenor, Addleman, Anthony, Brown, Battell, Cassatt, Clark, Colms, Cravens, Dole, Dowling, Edwards, Ferguson, Fry, Gordon, Griffis, Green, Hall of Warren, Hamilton, Harding, Harvey, Hendricks, Hill, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Julian, Kerr, Lutz, McCormack, Meredith, Moore, Noel, Parker, Porter, Powell, Scott, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Thomas, Thompson, Trimble, Watts, Wise, Yaryan, and Mr. Speaker—75.

John D. Defrees having received a majority of all the votes given, was declared duly elected State Printer, to serve as such for the term of three years from and after the expiration of the term of service of the present incumbent.

The Senate then retired to their chamber, and,

On motion by Mr. Miller,

The House adjourned until to-morrow morning, 9 o'clock.

THURSDAY MORNING, January 21, 1847.

The House met pursuant to adjournment.

On motion by Mr. Hanna,

The reading of yesterday's journal was dispensed with.

No. 376. A bill for the relief of the White Water Valley Canal Company,

Which was pending at the adjournment on yesterday, was taken up.

Mr. Tait moved a call of the House;

Which was seconded.

After some time spent therein,

On motion by Mr. Noel,
The further call was suspended.
On motion by Mr. Secrest,
The consideration of the bill pending was suspended, for the purpose of receiving the reports of the committee on claims, and such other claims as may be presented to the House.
Whereupon, Mr. Thompson made the following report:

Mr. Speaker:

It is the opinion of the committee on claims, after examining Royal Mayhew's claim as superintendent of common schools, that the committee on ways and means be requested in the specific appropriation bill to allow $600 for three year's service;

Which was concurred in.
Mr. Thompson made the following report:

Mr. Speaker:

The committee on claims, to which was referred a bill of the Senate No. 140, entitled "An act for the relief of Joel B. Cahoon, have examined the same, and instructed me to report it back without amendment, and recommend its passage.

Said bill was read a second and third times, the rules being suspended, and passed.
Ordered, That the clerk inform the Senate thereof.
Mr. Parker presented an account for $25, advanced to a messenger to the family of Hon. A. Cuppy, deceased.
Also, the account of Capt. Rudesill of $50 50 for service as commissioner to examine and assess damages to the property of the heirs of Robert Breckenridge.
Both of which were referred to the committee on ways and means, with instructions to have them allowed in the specific appropriation bill.
Mr. Moore presented the claim of Weaver & Williams of $7 25 for work done in the State House;
Which was referred to the committee on ways and means, with instructions to have it allowed in the specific appropriation bill.
Mr. Dole made the following report:

Mr. Speaker:

The committee on canals and internal improvements to whom was referred a communication from the Governor on the subject of a claim due "C. B. Davis for stationary furnished R. H. Fauntleroy, late engineer on the continuation of the Wabash and Erie Canal to

Evansville, have directed me to report the same back to the House, and recommend that it be referred to the committee of ways and means for the purpose of placing said claim in the specific appropriation bill.

Which was concurred in, and said bill so referred.

There being no more reports from the committee on claims,

Bill No. 376 was taken up; and

The question being on the motion of Mr. Suit to refer said bill to the House, as a committee of the whole, and make it the special order of the day for Friday next, at 2 o'clock, P. M.,

Said motion of Mr. Suit was,

On motion by Mr. Hull,

Laid on the table.

The question then recurring on the adoption of the amendment offered by Mr. Palmer,

Said amendment was,

On motion of Mr. Secrest,

Laid on the table.

On motion by Mr. Stewart of Fayette,

So much of the amendments as relates to the $75,000 worth of stock to be taken by the State in said company was struck out.

The amendments were then concurred in by the House,

And said bill was read a second and third times—the rules being suspended—and on the question of its passage,

Messrs. Suit and Neal demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Arnold, Brown, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Cravens, Crookshank, Deam, Dole, Dowling, Edwards, Gordon, Griffis, Green, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Harvey, Hatfield, Hendricks, Hicks, Hill, Holland, Holman, Hostetter, Huddleston, Huffstetter, Hunt, Hull, Jenison, Jones of Blackford, Julian, Kerr, Lewis, Logan, Lutz, Mason, May, McCormack, Meredith, Miller, Monk, Moore, Noel, Nofsinger, Osborn, Palmer, Parks, Porter, Powell, Scott, Secrest, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Summers, Tackett, Tait, Tebbs, Thomas, Thompson, Trimble, Watts, Wise, Wolfe, Woodruff, Young, and Mr. Speaker—74.

Those who voted in the negative are,

Messrs. Colms, Decker, Gilleece, Neal, Shields, Sleeth, Suit, Wiley, and Wilson—9.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Lewis made the following report:

Mr. Speaker:

The committee on canals and internal improvements to whom was referred bill No. 383, entitled "An act supplemental to an act entitled an act for the relief of David Burr," have had the same under consideration, and directed me to report that they recommend that the same be indefinitely postponed, and ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Logan made the following report:

Mr. Speaker:

The committee on canals and internal improvements to whom was referred bill of the House No. 315, "to authorize the surrender of canal lands in certain cases," have had the same under consideration, and have directed me to report the same back to the House, and recommend its indefinite postponement, and ask to be discharged from the further consideration of the subject.

Said bill was read a second time, and

The question being on concurring in said report and indefinitely postponing the bill,

Messrs. Palmer and Hanna demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Balding, Battell, Carr of Lawrence, Carnahan, Cravens, Deam, Dole, Dowling, Dunham, Edwards, Ferguson, Fry, Griffis, Hall of Posey, Hall of Warren, Hamilton, Harding, Hatfield, Hicks, Holland, Hostetter, Huddleston, Huff, Huffstetter, Johnson, Jones of Greene, Kerr, Lewis, Logan, Lutz, May, Meredith, Miller, Monk, Moore, Nofsinger, Osborn, Porter, Secrest, Smiley, Stewart of Fayette, Stewart of Laporte, Tackett, Tait, Thomas, Thompson, Walker, Yaryan, Young, and Mr. Speaker—50.

Those who voted in the negative are,

Messrs. Anthony, Arnold, Brown, Colms, Decker, Fuller, Gilleece, Green, Hanna, Harlan, Hendricks, Hill, Holman, Hunt, Jenison, Jones of Blackford, McCormack, Neal, Noel, Norton, Palmer, Parker, Parks, Powell, Scott, Shields, Sleeth, Stanfield, Suit, Summers, Trimble, Wilson, Wise, Wolfe, and Woodruff—35.

So said report was concurred in.

Mr. Porter made the following report:

Mr. Speaker:

The committee on corporations to whom was referred bill of the House No. 330, entitled "A bill to incorporate the Jefferson Manufacturing Company," have had the same under consideration, and have directed me to report the same back without amendment, and recommend its passage.

Said bill was read a first and second times—the rules being suspended—and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Porter made the following report:

Mr. Speaker:

The committee on corporations to whom was referred bill of the House No. 257, entitled "An act to incorporate the Columbus Bridge Company," have had said bill under consideration, and have made sundry amendments thereto, which accompany this report, in which they ask the concurrence of the House, and if concurred in, they recommend its passage.

Said amendments were concurred in;

And said bill was read a second time and ordered to be engrossed for a third reading.

Mr. Suit made the following report:

Mr. Speaker:

The committee on corporations to whom was referred bill of the House No. 452, entitled "An act to incorporate the Greensburgh and Napoleon Turnpike Company," have had the same under consideration, and have directed me to report the same back to the House without amendment, and recommend its passage.

Said bill was read a second time and ordered to be engrossed for a third reading.

Mr. Porter made the following report:

Mr. Speaker:

The committee on corporations to whom was referred the bill of the House No. 438, entitled "A bill to revive and amend an act to incorporate the Lafayette Insurance Company," approved February 8, 1836, have had the same under consideration, and have directed me to report the same back with an amendment, and if said amendment be concurred in, to recommend its passage.

Said bill was read a second time and ordered to be engrossed for a third reading.

Mr. Cravens, from the committee on the State Bank, reported the following bill:

No. 465. A bill giving power to the commissioners of the sinking fund in a certain case; also,

No. 466. A bill to authorize the commissioners of the sinking fund to receive substitution of stock, mortgages, and for other purposes.

Which were each read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Stanfield made the following report:

Mr. Speaker:

The select committee to whom was referred a joint resolution of the Senate, No. 120, on the subject of the improvement of harbors and rivers has had the same under consideration, and directed me to report the same back with one amendment thereto, and when so amended, recommend its passage.

The amendment in said report mentioned, is a new joint resolution,

And the question being on concurring in said amendment,

Mr. Miller moved to amend as follows:

"Strike out the second section of the joint resolution."

On the adoption of which,

Messrs. Neal and Miller demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Arnold, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Crookshank, Decker, Dunham, Fuller, Gilleece, Hall of Posey, Hanna, Harlan, Hatfield, Holman, Huffstetter, Jenison, Johnson, Jones of Blackford, Jones of Greene, Lemmonds, Lewis, Logan, May, Miller, Monk, Neal, Osborn, Palmer, Parks, Secrest, Shields, Smiley, Tackett, Tebbs, Wiley, Wilson, Wolfe, Woodruff, and Young—40.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Brown, Battell, Cassatt, Colms, Cravens, Deam, Dole, Edwards, Ferguson, Fry, Gordon, Griffis, Green, Hall of Warren, Hamilton, Harding, Harvey, Hendricks, Hicks, Hill, Holland, Huddleston, Huff, Hull, Hunt, Julian, Kerr, Lutz, Mason, McCormack, Meredith, Moore, Noel, Parker, Porter,

Powell, Scott, Sleeth, Stanfield, Stewartof Laporte, Suit, Summers, Tait, Thomas, Thompson, Trimble, Watts, Wise, Yaryan, and Mr. Speaker—52.

So said amendment of Mr. Miller was not adopted.

Mr. Palmer moved to lay said bill and amendments on the table;

Which motion did not prevail.

The amendments of the committee to said bill was then concurred in, and the bill read a second time, and ordered to a third reading.

Mr. Cravens, chairman of the committee on the State Bank, to whom was referred bill of the House,

No. 32. An act to amend an act to prohibit the making, issuing, or circulating small notes or bills," approved January 20, 1841,

Reported a new bill as an amendment thereto.

Mr. Dowling moved to "strike out all of said amendment, except that part which relates to individuals."

Pending which,

Mr. Dole moved to lay said bill and amendments on the table.

On which motion,

Messrs. Dowling and Logan demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Balding, Colms, Cravens, Crookshank, Deam, Dole, Edwards, Fry, Gordon, Griffis, Green, Hamilton, Hanna, Harding, Hatfield, Hendricks, Hill, Holland, Holman, Hostetter, Huddleston, Huff, Hull, Jenison, Johnson, Julian, Kerr, Lemmonds, Lutz, May, McCormack, Meredith, Moore, Nofsinger, Norton, Palmer, Porter, Scott, Shields, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tait, Thomas, Thompson, Trimble, Watts, and Wise—52.

Those who voted in the negative are,

Messrs. Arnold, Brown, Carr of Lawrence, Carnahan, Cassatt, Decker, Dobson, Dowling, Dunham, Gilleece, Hall of Posey, Hall of Warren, Hicks, Huffstetter, Hunt, Jones of Blackford, Jones of Greene, Lewis, Logan, Mason, Neal, Osborn, Parks, Secrest, Sleeth, Smiley, Tackett, Tebbs, Wiley, Wilson, Wolfe, Woodruff, Yaryan, and Young—34.

So said bill was laid on the table.

Mr. Green made the following report:

Mr. Speaker:

The select committee to whom was referred the petition of sundry citizens of Clark and Washington counties, to repeal an act approved January 14, 184–, in relation to changing the boundary line be-

tween Clark and Washington counties, have directed me to report the same, and say that I may report a bill if I choose; in accordance with which, I report the following bill, and recommend its passage.

No. 467. An act to abolish an act therein named.

Was read a first time, and ordered to a second reading.

Mr. Porter made the following report:

Mr. Speaker:

The select committee to whom was referred Senate bill No. 63, entitled, "a bill to authorize the superintendent of the New Albany and Vincennes road, to rebuild bridges that have been washed away on said road, have had the same under consideration, and have made sundry amendments thereto, in which they ask the concurrence of the House.

Said amendments were concurred in, and said bill read a second and third times, the rules being suspended, and passed; and,

On motion by Mr. Porter,

The title was amended by adding "and for other purposes" thereto.

Ordered, That the clerk inform the Senate thereof.

Mr. Secrest asked leave for the committee on ways and means to sit during the sittings of the House.

Which was granted.

Mr. Meredith made the following report:

Mr. Speaker:

The committee on roads to whom was referred House bill No. 463, have had the same under consideration, and direct me to report the bill back to the House and recommend its passage, and the committee ask to be discharged from the further consideration of the subject.

No. 463. An act to incorporate the Terre Haute and Richmond Railroad Company.

Was read a second and third times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Tait made the following report:

Mr. Speaker:

The select committee to whom was referred the petitions of certain citizens of Switzerland county, praying to be attached to the county of Ohio, have had the same under consideration, and authorize me to report, that in their opinion, justice, and the best interests of the

two counties requires that the request of said petitioners be granted; but the session of the present legislature being so near a close, it will be impossible to give the subject that time and attention necessary to act upon it. They therefore respectfully ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Palmer made the following report:

Mr. Speaker:

The select committee to which was referred bill of the House No. 403, have had the same under consideration, and direct me to report the same back with one amendment, and when so amended, to recommend its passage.

Said amendments were concurred in, and said bill,

Was read a second and third times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Wolfe made the following report:

Mr. Speaker:

The select committee to whom was referred a petition of sundry citizens of Carlisle, praying for a road district to consist of said town and vicinity, have had the same under consideration, have directed me to report the following bill and recommend its passage, and ask to be discharged from the further consideration thereof.

No. 468. An act to constitute Carlisle and vicinity a road district;

Was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Hicks made the following report:

Mr. Speaker:

The committee to which was referred the petition of William Bridges and others, praying the passage of an act for the relief of the said William Bridges, treasurer of Johnson county, have had the same under consideration, and directed me to report the following bill and recommend its passage, and the committee ask to be discharged from the further consideration of the subject.

No. 469. A bill for the relief of the treasurer of Johnson county;

Was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Parks made the following report:

Mr. Speaker:

The select committee to whom was referred the petition of the auditor and treasurer of Fulton county, have had the same under consideration and have directed me to report the following bill and recommend its passage, and ask to be discharged from the further consideration thereof.

No. 470. An act to amend an act declaring a mistake in the Revised Statutes of 1843, in relation to the boundary line between Fulton and Kosciusko counties, and for other purposes;

Was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Holman made the following report:

Mr. Speaker:

The select committee to which was referred a petition of sundry citizens of Miami county, asking relief for Alpha Buckley, have had the same under consideration, and have directed me to report the following bill and recommend its passage.

No. 471. An act for the relief of Alpha Buckley of Miami county;

Was read a first and second times, the rules being suspended, and ordered to be engrossed for a third reading.

Mr. Suit made the following report:

Mr. Speaker:

The select committee to which was referred bill of the House No. 273, entitled "An act defining the mode of publishing the delinquent tax lists in the county of Clinton," have had the same under consideration, and directed me to report the same back to the House, and recommend that it be laid on the table.

Which was concurred in, and said bill laid on the table.

Mr. Hunt made the following report:

Mr. Speaker:

The select committee to whom was referred a bill of the House

No. 375, have considered the subject and directed me to report the same back with the following amendment:

Said amendment was concurred in, and said bill, a bill to prevent the spread of Canada thistles,

Was read a second time and ordered to be engrossed for a third reading.

Mr. Cravens made the following report:

Mr. Speaker:

The select committee to whom was referred the petition of Lawrence Single and others, of Ripley county, praying for the passage of a law authorizing the commissioners of said county to issue license for race courses in said county, &c., &c., have had that subject under consideration, and a majority of the committee have directed me to report that it is inexpedient to legislate on that subject.

Which was concurred in.

Mr. Battell made the following report:

Mr. Speaker:

The select committee to which was referred the petition of Wm. Elliott and others, praying that a law may be passed to enable the plaintiff to sue the defendant in an action before justices of the peace in the township where the defendant resides, or where the cause of action accrued, or where he may be found, have had the same under consideration, and herewith report that, as this House at the present session, have determined not to pass a general law as asked for by the petitioners, they deem it out of order again to present this subject before it. The petitioners further ask that if a general law cannot be passed, a special law may be, applicable only to Vanderburgh county. Your committee, as to that part of the petition, are of opinion that, as the number of petitioners are not very numerous, and it is probable the subject has not been much discussed by the citizens of the county where the law is proposed to apply, a special law asked for, is at this time premature.

Which was concurred in.

Mr. Yaryan made the following report:

Mr. Speaker:

The select committee to which was referred bill of the House No. 144, with the amendments thereto, a bill to amend the execution laws, have had the same under consideration, and have directed me to report the same back with the following amendments, to wit:

Strike out the words "one half" where they occur in the first section, and in the 12th line of the 3d section, in the original amendments, and also other amendments made to said amendment, and when so amended, a majority of said committee recommend its passage.

Your committee also recommend the repeal of the second and third sections of an act entitled "An act to require the Bank to continue specie payments," approved February 13, 1843.

Pending the question on concurring in the amendments made by said committee, and the further consideration of the bill,

On motion by Mr. Miller,

The House adjourned until two o'clock, P. M.

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2 o'clock, P. M.

The House met.

No. 144. A bill to amend the execution laws, which was pending at the last adjournment, was again taken up.

Mr. Decker moved a call of the House.

Which was seconded.

Mr. Miller moved that the absentees be sent for.

Which motion did not prevail.

The further call was then,

On motion by Mr. Colms,

Suspended.

On motion by Mr. Thompson,

The order of business was suspended,

And the further consideration of said bill was passed over for the present.

On motion by Mr. Suit,

The vote taken in the forenoon on the passage of

No. 470. An act to amend an act, entitled "An act declaring a mistake in the Revised Statutes of 1843, in relation to the boundary line between Kosciusko and Fulton counties, and for other purposes,"

Was reconsidered; when,

On motion by Mr. Colms,

Said bill was indefinitely postponed.

Mr. Shields offered the following resolution:

Resolved, That when this House adjourn it will adjourn to meet at half past six o'clock this evening, and that it continue to meet at the same hour each evening during the balance of the present session.

Which was laid on the table.

Mr. Huff offered the following resolution:

Resolved, That no bills be introduced into this House after to-day without the consent of two-thirds of the members present.

Which was not adopted.

On motion by Mr. Noel,

Resolved, That the committee of ways and means be instructed to allow in the specific appropriation bill the sum of four dollars to William S. Hubbard, for his services in making out tract books and papers for the Wabash and Erie Canal lands below Terre Haute in the year 1845.

Mr. Monk offered the following resolution:

Whereas, the present Legislature has but three days for the transaction of much important business: Therefore,

Be it resolved, That this House will not suspend the rules to consider any bill, or for the purpose of introducing any petition or resolution, only at the proper time, and in according to the standing rules of this House.

Which was not adopted.

On motion by Mr. Noel,

Resolved, That the committee of ways and means be instructed to allow, in the specific appropriation bill, twenty dollars to Stearns Fisher for his services as engineer in estimating the amount of damage done to the northern division of the Central Canal, by the late freshet.

The following message was received from the Governor, by Mr. Hanna, his private secretary.

Mr. Speaker:

I am directed by the Governor to inform the House of Representatives, that he did on this day, approve and sign the following bills and joint resolutions:

No. 286. An act to establish and relocate a State road in Vigo county.

No. 187. An act to incorporate the Kosciusko Medical Society of Kosciusko county, Indiana.

No. 255. A joint resolution relative to the public lands in the county of Gibson.

No. 217. An act fixing the time of holding the terms of the probate courts in the county of Marion.

No. 218. An act to authorize the location and establishment of a State road from Salem, in Washington county, by Lawrenceport, on White river, to Bedford, in Lawrence county.

No. 291. An act to incorporate the town of Muncie, in Delaware county.

No. 235. An act to legalize the acts of the board of county commissioners of Sullivan county, and the auditor thereof, and for other purposes;

No. 423. An act to change the time of holding the probate courts in Ripley county.

No. 340. An act to legalize the marriage of William Howell and Mary Howell.

No. 18. An act to incorporate the town of Mount Vernon.

No. 305. An act to locate a State road between the counties of Noble and Lagrange.

No. 337. An act to authorize settlers on public land to petition for county roads.

No. 214. An act to amend section 128, chapter 16, of the Revised Statues of 1843.

No. 222. An act to amend section 414 of chapter 40 of the Revised Statutes of 1843, relative to the advertising of real estate at sheriff's sale.

No. 289. An act to amend an act, entitled "An act relative to leveeing the Wabash river on Shaker Prairie," approved January 14, 1846.

No. 316. An act to authorize the citizens of Wabash county to build a free bridge at Wabash dam No. 2, in said county.

No. 274. An act to amend the 144th section of the 30th chapter of the Revised Statutes of 1843.

No. 345. A joint resolution to authorize the making of estimates for the completion of the new State's Prison and other buildings.

No. 65. An act to incorporate the grand and subordinate divisions of the order of the Sons of Temperance in the State of Indiana.

All of which originated in the House of Representatives.

January 21*st*, 1847.

Mr. Tait made the following report:

Mr. Speaker:

The committee on enrolled bills have compared the following enrolled with the engrossed bills, and find them truly enrolled:

No. 254. An act to change the name of Eliza Ann Camden to Eliza Ann Sidwell.

No. 213. An act to establish a certain State road therein named.

No. 239. An act to provide for electing supervisors, by districts, in the counties of Wabash and Brown.

No. 368. An act to change the time of holding probate courts in Parke county.

No. 211. An act, entitled "An act to repeal an act regulating road tax in the county of Jackson."

No. 109. An act defining the duties of county treasurers.

No. 177. A joint resolution in relation to actual settlers on Congress lands.

No. 210. An act to legalize the election of trustees of the town of Vernon, in Jennings county.

No. 284. An act to provide for the further erection of the Hospital for the Insane, and for other purposes.

No. 303. An act for the relief of the inhabitants of district number six, in township two north, of range two east, in the counties of Washington and Orange.

No. 310. An act providing for the fees of auditor of Hancock county.

No. 244. An act to amend the charter of Cambridge City, Wayne county, Indiana.

No. 312. An act fixing the time of holding courts in the eighth judicial circuit.

No. 279. An act to extend the jurisdiction of justices of the peace in Lagrange county.

No. 339. An act to authorize the probate judge of Fountain county to issue writs of habeas corpus, and take acknowledgments of deeds.

No. 230. An act for the relief of the purchasers of the Saline lands in Orange county.

No. 196. An act to authorize Jonathan W. Elliott to use the water power at the Mount Pleasant Mills, in Noble county.

No. 202. An act to amend chapter one of the Revised Statutes of 1843.

No. 195. An act to locate a certain road therein named.

No. 319. An act in relation to grand jurors in the county of Washington.

No. 63. An act to regulate the chancery practice.

No. 231. An act to legalize certain proceedings of the probate court of Allen county, Indiana.

No. 417. An act to provide for the holding of special terms of the circuit court in the county of Jefferson.

No. 106. An act to amend the charter of the Hagerstown Canal Company, and to legalize their acts.

No. 341. An act to amend "An act giving the right to the voters of Marion county to decide as to authorizing licenses to retail spirituous liquors in their townships," approved January 19, 1846.

No. 362. An act to legalize the marriage of Celia Louder and Henry Perdue, of Daviess county.

No. 188. An act to change the name of Ann James to that of Ann Churchman.

No. 189. An act to authorize Gabriel Johnson to build a mill dam across the Mississinnewa river, in Grant county.

No. 366. An act providing for the election of township assessors in Hancock county.

No. 268. An act to authorize the probate judge of Dearborn county to issue writs of habeas corpus.

No. 300. An act for the relief of Henry Wells, sheriff of Lake county.

No. 206. An act in relation to road districts in the county of Huntington.

No. 197. An act to incorporate the Institute of Bowling Greene, Clay county.

No. 218. An act to amend an act to extend the provision to Madison county.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

The following messages were received from His Excellency, the Governor, by Mr. Hanna, his private secretary:

Mr. Speaker:

I am directed by the Governor to transmit to the House of Representatives bill No. 180, entitled "An act to legalize the acts of Solomon M. Semans, a justice of the peace of White River township, in Randolph county, together with his reasons for withholding his approval of the same.

I am also directed to inform the House that he did, on this day, approve and sign bill

No. 251. An act providing for the settlement of a claim of Adam Moderwell;

Both of which originated in the House.

January 20, 1847.

Executive Department,
January 16, 1847.

To the Hon. R. N. Carnan,
Speaker of the House of Representatives:

Sir:—In compliance with a resolution of the House adopted on yesterday, I herewith return the bill which originated therein No. 75, entitled "An act declaring a part of Salt creek a public highway, approved February 13, 1840," to be laid before that body.

JAS. WHITCOMB.

JOINT RESOLUTIONS INTRODUCED.

By Mr. Stanfield:

No. 472. A joint resolution in relation to the Buffalo and Mississippi Railroad;

Was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

By Mr. Meredith:

No. 473. An act regulating the giving of notice in a certain suit in the Wayne circuit court.

By Mr. Hanna:

No. 474. An act to legalize the election for mayor and common council of the town of Delphi.

By Mr. Colms:

No. 480. An act to vacate a part of the town of Milford, in Kosciusko county.

By Mr. Young:

No. 481. An act in relation to the Madison County Seminary.

By Mr. Carr of Lawrence:

No. 482. A bill to authorize the clerk of the circuit and probate courts of Lawrence county to use new seals.

By Mr. Cravens:

No. 483. An act to provide for the applying of the three per cent. fund due to the county of Ripley to the improvement of certain roads therein named.

By Mr. Watts:

No. 484. An act authorizing suits to be commenced in the Knox circuit court in certain cases;

Which were each severally read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Cravens,

The reports on the Mexican war and the New Hampshire resolutions were taken from the table and placed on the files.

Mr. Hicks introduced bill

No. 475. A bill to enable J. F. Goddard to sue his wife, M. L. V. Goddard, for a divorce;

Was read a first time, when,

Mr. Secrest moved that the bill be indefinitely postponed;

Which motion did not prevail.

The bill was then read a second time and ordered to be engrossed for a third reading.

Mr. Powell, on leave, made the following report:

MR. SPEAKER:

The committee on agriculture, to whom was referred the petition of James Snowden and others, have had the same under consideration, and report that they have drawn a bill agreeably to the prayer of the petitioners, the passage of which they recommend to the House, and pray to be discharged from the further consideration of the subject.

No. 477. An act entitled an act to extend an act for the preserva-

tion of sheep, approved January 25, 1841, approved February 9, 1843;

Was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Shields, on leave, made the following report:

Mr. Speaker:

The committee on the affairs of the State Prison, to which was referred the report of the commissioners appointed by the General Assembly at the present session to make estimates of the work done on the new State Prison, and also bill of the House No. 453, have examined the report and bill, and a majority of them have instructed me to report the same back to the House with one amendment, and, after its adoption, recommend its passage.

Said amendment was read and concurred in, and the bill as amended read a second time and ordered to be engrossed for a third reading.

Mr. Julian, on leave, made the following report:

Mr. Speaker:

The judiciary committee, to whom was referred bill of the Senate No. 67, have had the same under consideration, and have directed me to report it back to the House, and recommend that it be indefinitely postponed, and the committee ask to be discharged.

Which report was concurred in, and said bill indefinitely postponed.

By Mr. Noel:

No. 476. An act for the suppression of obscene books;

Was read a first and second times, the rules being suspended, and referred to a select committee consisting of Messrs. Noel, Yaryan, and Watts.

By Mr. Tackett:

No. 478. An act to secure to lessees of water power at Waverly, in Morgan county, the benefits of their contracts;

Was read a first and second times, the rules being suspended, and referred to the select committee who have the same subject under consideration.

By Mr. Mason:

No. 479. A bill to provide for the election of township assessors in the county of Brown, and defining their duties;

Which was read a first and second times, the rules being suspended, and ordered to be engrossed for a third reading.

By Mr. Cassatt:

No. 481. A bill to authorize the superintendent of the Wabash and Erie canal to refund certain moneys.

By Mr. Hendricks;

No. 485. A bill to amend certain laws therein mentioned.

Which were each severally read a first time and ordered to a second reading.

ORDERS OF THE DAY.

House Bills on Third Reading.

No. 192. An act authorizing deeds in certain cases to be made;

No. 331. An act to incorporate the Covington Draw Bridge Company;

No. 354. An act authorizing the Governor to contract for the completion of the State prison, and for other purposes;

No. 358. An act to quiet the titles in Clark's grant;

No. 369. An act to amend an act entitled "An act to incorporate the New Albany and Corydon turnpike company," approved January 20, 1846;

No. 374. An act declaring Little Blue river a public highway, in Rush county;

No. 377. An act relative to overseers of the poor in Floyd county;

No. 378. An act to legalize an act of the board of county commissioners of Elkhart county;

No. 379. An act for the relief of Michael McCall;

No. 380. An act to raise a revenue for State purposes, for the year 1847;

No. 381. A joint resolution in relation to the "School Friend" newspaper;

No. 385. An act to amend an act incorporating the town of Connersville, in the county of Fayette, approved February 15, 1841;

No. 386. A joint resolution in relation to granting land to Mr. Whitney to enable him to construct a railroad from Lake Michigan to the Pacific Ocean;

No. 387. An act to amend an act entitled "An act for the relief of the securities of William H. Darnall, late school commissioner of Hendricks county," approved January 15, 1846;

No. 388. An act authorizing the county commissioners of Noble county to make an allowance to the treasurer of said county for collecting road tax receipts;

No. 390. An act to repeal an act entitled "An act to regulate the attendance of grand and petit jurors in the fifth judicial circuit, so far as the same relates to the counties of Hendricks, Hamilton, and Hancock;

No. 394. An act authorizing the trustees of school district No. 5, township 37, range 3 east, in St. Joseph county, to levy a tax to build a school house;

No. 397. An act to change the name of Ann Amanda Woodward;

No. 398. An act to authorize Michael English to build a mill dam across the Salamania river, in Wabash county;

No. 400. An act relative to the seminary fund in Laporte county;

No. 401. An act to authorize the auditor of Harrison county to make a deed therein named;

No. 402. An act for the relief of the estate of William N. Hood, deceased;

No. 404. An act to repeal a certain act therein named relative to the performing labor on roads and highways in Orange county;

No. 405. An act to extend the time of payment of interest on certain funds therein named;

No. 407. An act legalizing the election of certain justices of the peace in Clark county;

No. 408. An act to amend the law now in force regulating the granting of license to tavern keepers, so far as the county of Fountain is concerned;

No. 411. An act to locate a State road in the counties of Cass and Pulaski;

No. 412. An act to locate a State road in Hamilton county;

No. 413. An act to provide for the survey and location of a State road in the county of St. Joseph;

No. 416. An act for the relief of James Boyer of Clark county;

No. 418. An act to establish public highways in the county of Boone;

No. 419. An act to change the name of the town of New York, in Switzerland county, State of Indiana;

No. 421. An act to authorize the loaning of University or College funds to the State;

No. 422. An act allowing John Briggs a certain sum for his attendance as a witness in the Johnson impeachment case;

No. 424. An act to establish a free turnpike road in the counties of Allen, Whitley, Kosciusko, and Marshall;

No. 425. An act for the relief of the First Regular Baptist Church of Logansport;

No. 426. An act to provide for the election of an additional justice of the peace in Jackson township, Wayne county;

No. 429. An act changing the time of holding probate courts in Jefferson county;

No. 430. An act to provide for the settlement of the accounts of commissioners heretofore appointed to expend a portion of the three per cent. fund, in Orange county;

No. 432. An act providing for the sale of school section, in township 25 north, range 2 east, for the term of 99 years;

No. 433. An act to amend an act to provide for the continuance of the construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal

improvements, and the offices of fund commissioner and chief engineer, approved January 28, 1842;

No. 437. An act to abolish the office of county auditor in the county of Sullivan;

No. 434. A joint resolution relative to the public printing;

Which was amended unanimously by inserting a new bill.

No. 442. An act authorizing the county commissioners of Wells county to build a bridge;

No. 443. An act for the improvement of a certain road in the counties of Delaware, Blackford, Wells, &c.;

No. 447. An act to incorporate the town of Williamsburgh, Wayne county, Indiana;

No. 458. An act to repeal an act entitled "An act for the relief of the citizens of district No. 3, in congressional township No. 28 north, of range No. 3 east, in Adams township, Cass county, approved January 15, 1846, and for other purposes;

No. 459. An act to amend an act entitled "An act to incorporate the Mayor and Common Council of the town of Delphi;

No. 460. An act in relation to road tax in the county of Grant;

No. 461. An act for the relief of John Williams of Washington county;

No. 463. An act to incorporate the Terre Haute and Richmond railroad company;

Which were each severally read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 346. An act to incorporate the city of Indianapolis;

Was read a third time; when,

Mr. Palmer moved to reconsider the vote on the engrossment of the bill.

Mr. Meredith moved the previous question;

Which was seconded by the House.

The question then being,

"Shall the main question be now put?"

Messrs. Palmer and Powell demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Brown, Battell, Carr of Clark, Cassatt, Colms, Decker, Dole, Dowling, Edwards, Ferguson, Fry, Gordon, Griffis, Hamilton, Harvey, Hendricks, Hicks, Hill, Hostetter, Huddleston, Huff, Hull, Hunt, Jenison, Julian, Lutz, McCormack, Meredith, Moore, Neal, Noel, Parker, Parks, Porter, Scott, Sleeth, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Tait, Thomas, Thompson, Wise, Wolfe, Yaryan, and Mr. Speaker—48.

Those who voted in the negative are,

Messrs. Balding, Carr of Lawrence, Carnahan, Crookshank, Deam,

Dunham, Gilleece, Hall of Posey, Hall of Warren, Hanna, Harding, Hatfield, Holman, Huffstetter, Johnson, Logan, May, Miller, Monk, Nofsinger, Norton, Osborn, Palmer, Powell, Trimble, Wilson, and Young—27.

So the main question was ordered to be put.

And the main question being,

"Shall the bill pass?"

Messrs. Palmer and Balding demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Brown, Battell, Carr of Clark, Cassatt, Colms, Decker, Dole, Dowling, Ferguson, Fry, Gordon, Griffis, Hall of Warren, Hamilton, Harding, Harvey, Hendricks, Hicks, Hill, Holland, Hostetter, Huddleston, Hull, Hunt, Jenison, Kerr, Lutz, Mason, McCormack, Meredith, Moore, Noel, Parker, Parks, Porter, Powell, Scott, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Tait, Wise, Wolfe, Yaryan, and Mr. Speaker—48.

Those who voted in the negative are,

Messrs. Arnold, Balding, Carr of Lawrence, Carnahan, Deam, Dunham, Gilleece, Green, Hall of Posey, Hanna, Hatfield, Holman, Huffstetter, Johnson, Logan, May, Miller, Neal, Nofsinger, Norton, Osborn, Palmer, Tebbs, Trimble, Wilson, Woodruff, and Young—27.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

The Speaker laid before the House a communication from the Governor relative to a certain claim;

Which was referred to the committee of ways and means.

No. 347. An act to provide for the more speedy collection of seminary and common school funds;

Was read a third time, and lost on the question of its passage.

No. 393. An act to provide for a settlement with Jesse and Elias Beard;

No. 409. An act in reference to decrees in divorce cases;

Which were each read a third time and indefinitely postponed.

No. 410. An act relative to impeachments;

Was read a third time and recommitted to a select committee of Messrs. Wolfe and others, with instructions to amend "so as to make counties electing such officers pay the costs."

Mr. Wolfe, on leave, reported back said bill from the select committee amended as ordered by the House.

Which amendment was concurred in, and the bill, as amended, read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 10. An act relative to the printing of certain laws therein named.

No. 14. An act to enable executors and administrators to settle estates.

No. 56. A bill declaring the meaning of sections 143, and 145, of chapter 40, of the Revised Acts of 1843.

No. 107. A bill to amend the charter of the Milford and Columbus Railroad company.

No. 141. An act to vest the title to land in the heirs, devisees or assignees of the purchasers of lands in certain cases where said purchaser has died, or shall hereafter die, before the date of the patent or deed of conveyance.

No. 143. A joint resolution relative to the sale of intoxicating liquors to Indians.

No. 146. An act to amend an act entitled, "an act to incorporate the Richmond Turnpike Company," approved January 15, 1844.

No. 152. An act to abolish the office of justice of the peace in Yorktown, Delaware county, Indiana.

No. 153. An act to vacate a road in the town of Lawrenceburgh.

No. 102. An act relative to executions.

No. 100. An act relative to the assignment of dower, and to amend article 3d, chapter 45, Revised Statutes of 1843.

No. 156. An act to repeal an act entitled, "an act to incorporate the Morgan County Seminary," approved February 7, 1838.

No. 157. A bill for the location of a State road in the counties of Hendricks, Putnam, and Mongomery.

No. 158. A bill relating to a settlement made by the Agent of State with Leonard, Woodburn, and others.

No. 159. An act to amend the 8th section of "an act regulating the fees and salaries of the several officers and persons therein named," approved February 7, 1837.

No. 160. An act to change the name of the town of Canton in Tipton county.

No. 166. An act to change a certain State road therein named in the counties of Lawrence and Monroe.

No. 167. An act to authorize the auditor and school commissioner of Jay county to sell the school section in township 24 north, of range 14 east, in Jay county.

No. 168. An act for the relief of purchasers of seminary lands in Gibson and Monroe counties.

No. 172. An act fixing an annual compensation to the auditor of Delaware county.

No. 176. An act for the relief of persons therein named.

No. 181. An act for the relief of county treasurers.

No. 190. An act to abolish the office of school commissioner in Jefferson county.

No. 52. An act to amend the practice in the probate courts.

No. 191. An act extending the provisions of the 50th chapter of part 3d, of the Revised Statutes of 1843, to Hancock county.

No. 206. An act providing compensation to the supervisors of roads and highways in Rush county.

No. 248. An act to change the time of holding the February terms of the probate court in the county of Johnson.

No. 262. An act to provide for the opening of a State road in the counties of Dearborn and Ripley.

No. 209.

No. 118. An act in relation to retailing spiritous liquors in Laporte county.

No. 122. A bill to amend an act entitled, "an act to incorporate the Michigan Road Company," approved January 13, 1845, and an act entitled, "an act to amend an act entitled, an act to incorporate the Michigan Road Company," approved January 13, 1845, approved January 19, 1846.

Which were each severally read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Cravens moved to reconsider the vote on indefinitely postponing bill,

No. 393. An act for the relief of Jesse and Elias Beard.

Which motion of Mr. Cravens was,

On motion by Mr. Wolfe,

Laid upon the table.

On motion by Mr. Dunham, bill

No. 449. An act for the relief of William Smith,

Was taken from the table, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Dobson moved that the vote on the passage of bill No. 158, of the Senate, be reconsidered;

Which motion did not prevail.

Mr. Colms moved that the vote on indefinitely postponing bill No. 81, be reconsidered;

Which motion did not prevail.

Mr. Hendricks on leave, made the following report:

MR. SPEAKER:

The committee on ways and means to whom was referred House bill No. 382, have had the same under consideration, and have directed me to report the same back to the House, and recommend that the same be referred to the judiciary committee, and ask to be discharged from the further consideration of the subject.

Which report was concurred in, and said bill was so referred.

On motion by Mr. Watts,

The House adjourned until to-morrow morning, 9 o'clock.

FRIDAY MORNING, January 22, 1847.

The House met pursuant to adjournment.

On motion by Mr. Noel,

The reading of the journal of yesterday was dispensed with.

Mr. Edwards asked leave to withdraw certain remonstrances from the files, relative to the issuing and circulation of small notes;

Which was granted.

Mr. Thomas, on leave, introduced

No. 487. A bill to secure the sinking fund.

Which was read a first and second times, the rules being suspended, and the further consideration thereof suspended for the present.

Mr. Thompson, on leave, made the following report:

Mr. Speaker:

The committee on claims, after examining J. P. Chapman's claim for $63 00, are of opinion, that it should be allowed in the specific appropriation bill.

Which was concurred in.

Mr. Thompson, on leave, made the following report:

Mr. Speaker:

The committee on claims to which was referred a message from the Governor transmitting a communication from Thomas L. Smith, relative to certain claims for boarding sick volunteers at the rendezvous at the city of New Albany, in June last, have had the same under consideration, and recommend that they be submitted to the committee on ways and means, to be provided for in the bill making specific appropriations for the ensuing year.

Which was concurred in.

Mr. Wise, on leave, introduced

No. 488. An act to amend an act entitled "An act to incorporate the Madison and Napoleon Turnpike Company," passed at the last session of the Legislature;

Which was read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Hendricks, on leave, presented the memorial of James C. Vawter, praying relief;

Which was referred to a select committee of Messrs. Hendricks, Cravens, and Harvey.

Mr. Jones of Greene, on leave, presented the petition of T. G.

Carmichael and others, relative to the granting of license to retail ardent spirits in the town of Jonesborough, in Greene county;

Which was referred to a select committee of Messrs. Jones of Greene, Dobson, and Arnold.

Mr. Noel, on leave, made the following report:

Mr. Speaker:

The select committee, to which was referred No. 476, "A bill for the suppression of obscene books, &c.," have had the same under consideration, and have made one amendment thereto;

In which the concurrence of the House is asked, and the passage of the bill recommended.

Said bill was read a second and third times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Watts moved a call of the House;

Which was seconded.

After some time spent therein,

On motion by Mr. Hamilton,

The further call was suspended.

The consideration of House bill No. 487, "A bill to secure the sinking fund,"

Was then resumed.

Mr. Secrest moved to lay said bill on the table.

On which motion,

Messrs. Noel and Cravens demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Arnold, Balding, Battell, Carr of Clark, Carr of Lawrence, Decker, Dobson, Dunham, Edwards, Ferguson, Fry, Gordon, Griffis, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Harvey, Hendricks, Hicks, Hill, Hostetter, Huffstetter, Hunt, Jones of Blackford, Lutz, May, McCormack, Monk, Moore, Noel, Nofsinger, Osborn, Palmer, Parks, Porter, Secrest, Shields, Stanfield, Stewart of Fayette, Stewart of Laporte, Tait, Wiley, Wilson, Wise, Woodruff, Yaryan, Young, and Mr. Speaker—52.

Those who voted in the negative are,

Messrs. Addleman, Brown, Colms, Cravens, Gilleece, Green, Hatfield, Holman, Holland, Huddleston, Huff, Johnson, Jones of Greene, Kerr, Lemmonds, Logan, Mason, Meredith, Parker, Scott, Suit, Summers, Thomas, Thompson, Trimble, Watts, and Wolfe—27.

So said bill was indefinitely postponed.

Mr. Carr of Lawrence, on leave, made the following report:

Mr. Speaker:

The select committee, to which was referred bill of the House No. 436, entitled "A bill for the relief of the sufferers by the late flood," have, according to order, had the same under consideration, and have directed me to report the same back to the House with the following amendments, and when so amended, recommend its passage, to wit:

Strike out the three first sections except the enacting clause, and insert in lieu thereof amendment No. 1:

2nd. Strike out the word "appraiser" wherever it occurs in the fourth section, and insert "assessor."

3d. Strike out the 6th section, and insert the following blank section in lieu thereof:

Said amendments were concurred in and said bill was referred to the committee on ways and means.

Mr. Thompson, on leave, made the following report:

Mr. Speaker:

The committee on claims have examined the claim of George Lenox for boarding and attending on William Williams, a sick volunteer at New Albany, the place of rendezvous, from the 26th day of July, 1846, to the 16th of September following. The committee recommend that an allowance of $22 50 be made for him in the specific appropriation bill;

Which report was concurred in.

Mr. Yaryan made the following report:

Mr. Speaker:

The undersigned, chairman of the select committee, consisting of Messrs. Thompson, Carnahan, Stanfield, and himself, to which was referred sundry petitions from different parts of the State, respectfully asking a repeal of all laws imposing disabilities on negroes and mulattoes on account of color, has had that subject under consideration, and now reports that he finds the following laws in force on that subject, to wit:

1. An act entitled an act concerning free negroes, mulattoes, servants, and slaves.
2. An act relative to witnesses, depositions, and evidence.
3. An act relating to marriage between whites and blacks.
4. An act relative to fugitives from labor.

These several acts the undersigned proposes to examine in their consecutive order, with as much care as the crowd of business near the close of the session will permit.

Before he proceeds he desires, however, to say, that he is not, nor has he ever been a member of any abolition society; nor is he disposed to recommend any thing to the House which, if adopted, would interfere with "the peculiar institutions of the South." But while he makes this disclaimer, he must be permitted to say, that, in his opinion, of all the national enormities recognized by christian society, that of legalizing the purchase of human beings and continuing them in slavery, is the most atrocious and disgraceful. And he thinks that to *abhor* slavery, in principle is no great offence in a country where liberty is the boast and birthright of every creature wearing the image of his Maker. But to the examination of the laws under consideration.

The undersigned is of opinion that the law requiring negroes and mulattoes, merely because they are such, to give bond and security, conditioned that they will not at any time become a county charge in any county in this State, as also for their good behavior, is wrong, and cannot be justified on any principle of justice or ethics. The first section of this act provides that no black or mulatto person coming into this State shall be permitted to reside therein, unless bond with security in the sum of five hundred dollars be given conditioned that such person of color shall not at any time become a county charge, as also for such person's good behavior; and a conviction of such person of any crime or misdemeanor shall be a forfeiture of the bond. If such person fail to give such bond and security, it shall be the duty of the overseers of the poor to hire out such person for six months, the proceeds of which hiring shall be paid into the county treasury for the use of such person; and the overseers may remove such person out of the State as a pauper. And should any person hire such negro or mulatto without his having first given such bond, such citizen so offending shall be subject to indictment, and fined not less than five, nor more than one hundred dollars.

The horrible cruelty of such provisions need but be seen to be hated. In the opinion of the undersigned this act is not only morally wrong, but a violation of the sixth article of the ordinance of Congress for the government of the territory of the United States, northwest of the river Ohio, of 1787, and should, therefore, be repealed. Nor is this law in accordance with public feeling. As the property of the blacks is taxed, like that of others, for county purposes, there is no good reason why they should furnish a separate fund for their maintenance, if they become unfortunate. And are *we* so subject to pauperism that they must be taxed to support, not only themselves, but *us?* To protect ourselves against the importation of paupers is the only reason the undersigned ever heard for the passage of this act.

The 108th section of the 53d chapter of the Revised Code, provides that "every person who shall, knowingly, bring within this State, any pauper or paupers, (white or black,) with the intention of making him, her, or them a charge upon any of the counties in this State, shall, on conviction, on presentment or indictment, be fined in any sum not exceeding five hundred dollars, and stand chargeable with the support of such pauper."

In all conscience this would appear sufficient to guard us against the imposition of paupers. Nor is the undersigned aware that the colored population of this State, in proportion to their numbers and opportunities, are more liable to become a public charge than others. They are not more numerous in the poor-houses than others, in proportion to their numbers. They send more children to school, pro rata, than the whites, though bound to contribute to the school funds without drawing any benefit from them. Here, in the very capitol of our State, they send eleven per cent. more to school than the whites.

In the city of Cincinnati the colored people have paid over half a million of dollars to purchase their own freedom and that of their relatives: and notwithstanding the payment of this immense sum, they have generally supported themselves, and are doing much to support the benevolent and religious enterprises of the day.

What reason, then, can there be against repealing a law, the enforcement of which is morally impossible, because it is so unjust and contrary to public opinion?

In regard to the second act, which relates to "witnesses, depositions, and evidence," the undersigned thinks this, too, should be repealed. By our constitution the selection of the Legislature, the courts, and juries is confined to the white male citizens, which will probably ever be so.

Evidence in a court of justice, is that which demonstrates and brings to light. Everything which tends to this end should be used to ferret out the complicated and mysterious deeds of man. The track of the foot, the nail in the shoe, the bark of the dog, or the bray of the donkey, may often be given in evidence to ferret out villanies; but the negro, unless in the course of *modern civilization*, more than three fourths of his blood is merged in that of the white man, though acquainted with the villain, and cognizant to the villany, for no other reason than because he is a negro, is not even permitted to develope corroborating circumstances.

Such restrictions often bear hard on the white as well as the black man. A single case recently decided in the court in bank in Ohio, is one of common occurrence, in principle. A white man alleged that a negro executed to him his promissory note. At maturity, the note not being paid, suit was brought on it. At the trial the defendant pleaded the plea of *non est factum*, which put in issue the execution of the note. The plaintiff offered another negro to prove the execution of the note; but the court, owing to the existence of statu-

tory prohibitions, refused the evidence and the plaintiff lost his case. Judge Hitchcock, in delivering the opinion of the court said, that in the course of a long practice he had never seen this law act beneficially to society, but always to the contrary.

How often is it the case that crimes are committed, contracts abandoned, property is purchased with counterfeit money, where the circumstances of fraud are clear and strong, but no remedy can be had because of this law. Why not introduce them and their condition to the court and jury, who will never, from the very nature of circumstances, give too much credit to the testimony? To doubt this would be a reflection on both the court and jury.

It would be no strained hypothesis to suppose a case of easy occurrence, where a white and black man might jointly commit a crime against the person or property of another black man, unknown to all but the man against whom the crime was perpetrated. Both may be indicted. On the trial, the testimony which would sentence the one to the State's prison, enables the other, and perhaps the instigator, to go out of the court-house triumphantly acquitted.

The law regulating intermarriages has different merits. The undersigned, in charity, hopes it was not the intention of any of the petitioners to pray for the repeal of this act. He feels warranted in saying, from his intimate acquaintance with many of them, that no such desire exists. If there is a reason for the repeal of this law, it is, that its existence pre-supposes such a desire. To legalize the intermarriage with the European Anglo-Saxon is too revolting to be supposed. Though the Africans are by no means near the bottom of the scale of humanity, yet they are morally and conditionally incapacitated to be the companions of the Anglo-Saxons. But there is a vast difference between the *saloon* and the *hall of legislation;* and while the undersigned would do nothing to intrude in the slightest degree on the courtesy of the former, he is confident justice has a heavy unbalanced account against us in the latter. There are neglected rights, the withholding of which are no benefit to us, but the exercise of them would greatly elevate the condition of the black man.

The act to reclaim fugitives from labor—in other words, to require us to catch runaway slaves, is one of comity alone. Slavery is not a natural right. It has its circumscribed bounds. When it leaps these bounds, all we are compelled to do is to permit the owner to pursue and reclaim. Whether the reclamation be morally right or wrong, is not for us to inquire.

How far good faith requires us to assist others in carrying out a principle which we ourselves will not exercise, has always been a delicate subject of obedience to a community of conscientious people. The undersigned inclines to think all the rights the slaveholder has over his slaves in our State, are such as the citizens voluntarily give him, and such as the general government by her laws and officers extend to him. Indeed, he doubts whether the legislature has

any power to legislate on the subject, either for or against the master or slave. Since 1793, Congress had exercised the power to legislate on the subject of fugitives from labor. That legislation has been recognized as constitutional by every court of respectable standing in the Union. The undersigned thinks it a safe ground to assume, that where there is but one subject matter of legislation, the concurrent power of the States is wholly suspended by the action of the federal power. The doctrine in the case of Houston vs. Moore, 5th Wheaton's Reports, is this: That where once Congress has exercised its power on a legitimately given subject, the State power over the same subject, which had before been concurrent, is by that exercise absolutely prohibited. In other words, wherever Congress exercises a concurrent power, it is made in effect an exclusive power over the particular subject matter of that power: I mean where the power acts on the same subject matter to accomplish the same end. Such a yielding appears absolutely necessary to avoid conflict between the general and State governments.

In conclusion, the undersigned recommends the passage of the bill heretofore committed to the select committee, to repeal the act rendering negroes and mulattoes incompetent witnesses; and also the accompanying bill to repeal the act of 1831, requiring them to give bond and security. But he thinks it inexpedient to legislate on the subject of fugitives from labor, and morally wrong to legislate on the more delicate subject of intermarriages.

JOHN YARYAN.

Which said report was laid on the table without reading.

Mr. Watts moved to reconsider the vote taken on laying said resolution on the table.

Mr. Miller moved to lay said motion of Mr. Watts on the table.

On which motion,

Messrs. Yaryan and Watts demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Arnold, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Crookshank, Dobson, Dowling, Dunham, Edwards, Fuller, Gilleece, Green, Hall of Posey, Hanna, Harvey, Hatfield, Hicks, Holland, Holman, Huff, Hull, Hunt, Jenison, Jones of Greene, Kerr, Lutz, May, Miller, Monk, Osborn, Palmer, Porter, Secrest, Shields, Suit, Tackett, Tebbs, Wiley, Wilson, Wise, Wolfe, Woodruff, and Young—44.

Those who voted in the negative are,

Messrs. Brown, Battell, Cravens, Hall of Warren, Hamilton, Harding, Hostetter, Huddleston, McCormack, Meredith, Moore,

Noel, Parker, Powell, Stanfield, Stewart of Fayette, Stewart of Laporte, Summers, Thomas, Tait, Watts, and Yaryan—23.

So said motion prevailed, and the motion of Mr. Watts was laid on the table.

Mr. Carnan, on leave, introduced

No. 490. A bill legalizing the acknowledgment of deeds taken by the probate judge of Knox county.

Which was read a first and second times, the rules being suspended; when,

On motion by Mr. Trimble,

The provisions of said bill were extended to Delaware county; and,

On motion by Mr. Carnan,

The rules were further suspended, the bill read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Palmer, on leave, offered the following resolution:

Resolved, That the Governor be respectfully requested to return to this House a bill fixing the time of holding courts in Marion county.

Which was not adopted.

Mr. Porter, on leave, made the following report:

Mr. Speaker:

The select committee to which was referred bill of the House No. 175, entitled, an act to amend an act in relation to the northern division of the Central Canal, approved January 13th, 1846, and also a resolution of this House on the same subject, have had the same under consideration, and have made all the inquiries and acquired all the information relative to said canal and every thing connected with it which their limited opportunities would admit of. They have ascertained that great damage has been done to said canal by the late floods and heavy rains; so great indeed, that without a thorough repair, the canal, and all the machinery of the lessees of water power thereon, will be wholly useless. They have also ascertained that unsettled accounts exist between the State, and all, or nearly all, of the lessees of water power on said canal, and that some of said amounts are of several years standing; that large amounts of rent stand charged on the auditor's books against the several lessees, and that the lessees have large claims against the State to set off against the rents, so that upon a final settlement your committee cannot tell which would be indebted to the other. They are, however, fully convinced of the absolute necessity of having all accounts and matters of difference speedily and finally settled and adjusted. They also believe from the information which they have received, that the present mode of measuring water to the different lessees of water power on said canal, is very defective, and that great disadvantages grow out of the defect, both to the State, and to the several lessees. And

with a view of providing for a final settlement of the accounts now existing between the State and the several lessees for repairing the damages done by the late floods, to said canal; and also, of providing a more definite mode of measuring or guaging water to the several lessees, the committee have directed me to report back said bill, No. 175, with an amendment made, by striking out said bill from the enacting clause, and inserting in lieu of it the accompanying amendent.

Said amendment (a new bill) was concurred in, and said bill was read a second and third times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Dole made the following report:

Mr. Speaker:

The committee on canals and internal improvements, to which was referred bill of the House, No. 435, have directed me to report the same back with one amendment, and recommend it to the consideration of the House, and ask to be discharged from the further consideration of the subject.

Said amendment was concurred in, and said bill, a bill for the relief of Robert Earl,

Was read a second and third times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Watts made the following report:

Mr. Speaker:

The committee on benevolent and scientific institutions, to whom was referred a resolution of the House directing them to inquire into the compensation allowed Mary A. Johnson, and if any thing was due her, report a bill for that purpose, have had the same under consideration, and beg leave to report that, after an investigation of the matter, said committee are of opinion that the settlement with her by said trustees was right and just, except that she should have been allowed a quarter's salary amounting to fifty dollars when in fact she was allowed but thirty-three dollars, leaving a balance of seventeen dollars yet due, for which sum said committee herewith report a bill and recommend its passage.

No. 491. A bill for the relief of Mary A. Johnson;

Was read a first and second times, the rules being suspended—when,

On motion by Mr. Noel,

Seventeen dollars were struck out from said bill and sixty-seven dollars inserted in lieu thereof.

On motion by Mr. Crookshank,

The vote taken on said amendment was reconsidered.

The question then being on striking out seventeen dollars and inserting sixty-seven dollars,

Messrs. Dunham and Noel demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Battell, Cassatt, Colms, Crookshank, Dowling, Edwards, Fry, Fuller, Gilleece, Hamilton, Harding, Harvey, Hendricks, Holman, Hunt, Johnson, Mason, Meredith, Monk, Neal, Noel, Nofsinger, Parker, Stewart of Laporte, Suit, Tackett, Tebbs, Thompson, Wiley, and Young—32.

Those who voted in the negative are,

Messrs. Arnold, Brown, Balding, Carr of Lawrence, Carnahan, Decker, Dobson, Dunham, Gordon, Greer, Hall of Warren, Hicks, Hostetter, Huddleston, Huff, Hull, Jenison, Kerr, Lutz, May, McCormack, Miller, Moore, Osborn, Parks, Porter, Powell, Secrest, Shields, Stewart of Fayette, Summers, Thomas, Trimble, Watts, Wilson, Wise, Wolfe, Woodruff, Yaryan, and Mr. Speaker—41.

So said motion of Mr. Noel did not prevail.

Mr. Hamilton moved to strike out $17 and insert $40.

Which motion was,

On motion by Mr. Carr of Lawrence,

Laid on the table.

Mr. Mason moved to strike out $17 and insert $25.

Which motion of Mr. Mason was,

On motion by Mr. Dunham,

Laid on the table.

Said bill was then read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

HOUSE BILLS.

No. 444. An act for the relief of Elias Murrey;

No. 448. A bill to amend an act entitled "An act to incorporate the Lagrange Phalanx," approved January 13, 1845;

No. 462. An act authorizing the commissioner of the reserved township of college lands, in Monroe county, to make a deed to certain lots therein named;

Were each severally read a second and third times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

No. 467. An act to repeal an act therein named;

Was read a second time and indefinitely postponed.

No. 481. A bill to authorize the superintendent of the Wabash and Erie canal to refund certain moneys;

Was read a second time; when,

Mr. Carnahan moved to lay said bill on the table.

Messrs. Carnahan and Palmer demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Arnold, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Cravens, Crookshank, Deam, Dobson, Dole, Dowling, Dunham, Edwards, Ferguson, Fuller, Griffis, Green, Hall of Warren, Harding, Harvey, Hatfield, Hill, Holland, Huddleston, Huff, Huffstetter, Jones of Greene, Kerr, Lewis, Logan, Lutz, May, Miller, Monk, Nofsinger, Norton, Osborn, Porter, Secrest, Shields, Thomas, Wolfe, and Young—44.

Those who voted in the negative are,

Messrs. Addleman, Brown, Cassatt, Colms, Decker, Hanna, Harlan, Hendricks, Hicks, Holman, Hull, Hunt, Jenison, Jones of Blackford, Mason, McCormack, Neal, Palmer, Parker, Parks, Powell, Smiley, Stanfield, Stewart of Laporte, Suit, Trimble, Wise, and Woodruff—28.

So said bill was laid on the table.

No. 485. A bill to amend certain laws therein named;

Was read a second time and referred to a select committee of Messrs. Hendricks, Harvey, and Griffis.

No. 486. A joint resolution in reference to the extension of slavery;

Was read a second time; when,

Mr. Jones of Greene moved to lay the joint resolution on the table;

On which motion,

Messrs. Watts and Wolfe demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Arnold, Carr of Lawrence, Carnahan, Deam, Dobson, Dowling, Dunham, Hall of Posey, Hanna, Hatfield, Holman, Huffstetter, Jones of Blackford, Jones of Greene, Lewis, Logan, Mason, May, Miller, Monk, Nofsinger, Norton, Osborn, Secrest, Sleeth, Smiley, Tebbs, Wiley, Wilson, Wolfe, and Woodruff—33.

Those who voted in the negative are,

Messrs. Addleman, Balding, Brown, Carr of Clark, Colms, Cravens, Crookshank, Decker, Ferguson, Gordon, Griffis, Green, Hall of Warren, Hamilton, Harding, Harlan, Harvey, Hendricks, Hicks, Hill, Hol-

land, Hostetter, Huddleston, Huff, Hull, Hunt, Jenison, Kerr, Lutz, McCormack, Moore, Neal, Palmer, Parker, Parks, Porter, Powell, Shields, Stanfield, Stewart of Laporte, Summers, Tait, Thomas, Trimble, Watts, Wise, Yaryan, and Young—49.

So said joint resolution was not laid on the table.

Mr. Secrest moved the previous question;

Which was seconded by the House.

And the question being,

"Shall the main question be now put?"

It was decided in the affirmative.

And the main question being,

"Shall the bill be engrossed for a third reading?"

Messrs. Watts and Cravens demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Brown, Balding, Battell, Colms, Cravens, Gilleece, Gordon, Griffis, Green, Hall of Warren, Hamilton, Harding, Harvey, Hendricks, Hicks, Hill, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Jenison, Kerr, Lutz, McCormack, Moore, Neal, Parker, Porter, Powell, Stanfield, Stewart of Fayette, Suit, Summers, Tackett, Tait, Thomas, Thompson, Trimble, Watts, Wise, and Yaryan—44.

Those who voted in the negative are,

Messrs. Anthony, Arnold, Carnahan, Carr of Lawrence, Crookshank, Deam, Decker, Dobson, Dowling, Dunham, Hall of Posey, Hanna, Hatfield, Holman, Huffstetter, Jones of Blackford, Jones of Greene, Lewis, Logan, Mason, May, Miller, Monk, Osborn, Palmer, Parks, Secrest, Sleeth, Smiley, Stewart of Laporte, Wiley, Wilson, Wolfe, Woodruff, and Young—36.

So said bill was ordered to be engrossed.

Mr. Secrest moved to suspend the rules for the purpose of introducing a resolution.

On this motion,

Messrs. Watts and Cravens demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Arnold, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Colms, Crookshank, Deam, Dobson, Dowling, Dunham, Gilleece, Green, Hall of Posey, Hall of Warren, Hanna, Hatfield, Holman, Hostetter, Huffstetter, Jones of Blackford, Jones of Greene, Lemmonds, Lewis, Lutz, Mason, May, Miller, Monk, Neal, Norton, Osborn, Palmer, Parks, Porter, Secrest, Sleeth, Smiley, Suit, Tackett, Tait, Tebbs, Thompson, Wiley, Wilson, Wolfe, Woodruff, and Young—49.

Those who voted in the negative are,

Messrs. Addleman, Balding, Cravens, Gordon, Griffis, Hamilton, Harding, Harlan, Harvey, Hendricks, Hicks, Hill, Holman, Huddleston, Hunt, Jenison, Kerr, McCormack, Parker, Powell, Stanfield, Stewart of Fayette, Stewart of Laporte, Summers, Thomas, Trimble, Watts, Wise, and Yaryan—29.

So said motion did not prevail.

ORDERS OF THE DAY.

No. 454. An act to extend the jurisdiction of justices of the peace in the county of Fayette.

No. 439. An act for the relief of Carey S. Goodrich.

No. 441. An act for the relief of John Carter, a purchaser of saline lands in Brown county.

No. 450. An act making general appropriations for the year 1847.

No. 457. An act to prevent the circuit and probate courts in the county of Marion from sitting at the same time.

Which were each severally read a second time, and ordered to be engrossed for a third reading.

Senate bills.

No. 92. An act to give to married women power to make wills, and to repeal section 9, chapter 30, Revised Statutes of 1843.

No. 157. An act to repeal an act more effectually to enable supervisors to keep in repair roads and highways.

No. 179. An act to extend the privileges of the State Library to the benevolent institutions of the State.

No. 180. An act to incorporate the Perrysville Seminary.

No. 183. An act to locate a State road in the counties of Whitley, Noble, and Kosciusko.

No. 184. An act to establish a State road in the county of Jay.

Which were each read a second time, and ordered to a third reading.

No. 3. (Senate.) An act providing for holding a convention to revise and amend the constitution of the State of Indiana;

Was read a second time; when

Mr. Harvey moved to indefinitely postpone the bill.

On this motion,

Messrs. Harvey and Neal demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Brown, Battell, Cassatt, Colms, Cravens, Deam, Decker, Dole, Dowling, Edwards, Fuller, Gordon, Griffis, Green, Hall of Warren, Hamilton, Harding, Harvey, Hen-

dricks, Hicks, Hill, Holland, Hostetter, Huddleston, Huff, Hull, Hunt, Jones of Greene, Julian, Kerr, Lewis, Logan, Lutz, McCormack, Meredith, Moore, Neal, Noel, Palmer, Parker, Porter, Powell, Secrest, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tait, Thomas, Thompson, Watts, Wise, Yaryan, and Mr. Speaker—58.

Those who voted in the negative are,

Messrs. Arnold, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Crookshank, Dobson, Dunham, Ferguson, Gilleece, Hall of Posey, Hanna, Harlan, Hatfield, Holman, Huffstetter, Jenison, Johnson, Lemmonds, Mason, May, Miller, Monk, Nofsinger, Norton, Osborn, Parks, Shields, Sleeth, Tackett, Tebbs, Trimble, Wiley, Wilson, Wolfe, Woodruff, and Young—37.

So said bill was indefinitely postponed.

No. 163. A bill relative to a certain change in the school laws.

Was read a second time; when

Mr. Shields moved its indefinite postponement.

Which motion prevailed.

No. 164. An act to authorize county auditors to sell lands at private sale which have been bid in for the use of the school fund.

No. 169. An act to incorporate the Fort Wayne and Cambridge City Railroad Company.

No. 177. An act fixing a certain annual compensation to the auditor of Madison county.

No. 178. An act to provide for ascertaining a part of the boundary line between the counties of Cass and Miami.

Which were each severally read a second and third times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Carnahan presented a petition from sundry citizens of the State, for a change of the laws relative to the acquiring and holding of property.

Which was referred to a select committee consisting of Messrs. Carnahan, Noel, Stewart of Fayette, Battell, and Moore.

On motion by Mr. Dunham,

The House adjourned until two o'clock, P. M.

---

2 o'clock, P. M.

The House met.

On motion by Mr. Hamilton,

No. 452. An act to incorporate the Greensburg and Napoleon Turnpike Company,

Was taken from the table, read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 185 (Senate.) An act defining the duties of treasurer, auditor and supervisors of highways in the county of Dearborn,

Was read a second time, and ordered to a third reading.

No. 193. An act to incorporate the Laurel and Moscow Turnpike Company in the counties of Franklin and Rush;

No. 199. An act to allow widows to avail themselves of the law allowing them one hundred and fifty dollars of their husband's effects;

No. 215. An act to authorize the probate judges in the counties of Decatur, Dearborn, Fountain and Laporte, to grant writs of habeas corpus;

No. 220. An act to vacate certain lots and streets in the town of New London in the county of Daviess;

No. 240. An act to locate a State road in the counties of Lake and Porter;

No. 251. A joint resolution to suspend a part of a certain act therein named;

No. 230. An act declaring Big Blue River in Rush county, a public highway;

No. 231. An act to authorize the school trustees of township 9, range 2 west, in Franklin county, to sell certain real estate;

No. 236. An act to incorporate the Evangelical Lutheran Church in Indianapolis.

No. 232. An act to locate a certain State road therein named;

No. 225. A bill to authorize the judge of the probate court of the county of Shelby to take the acknowledgment of deeds and other instruments of writing, and to grant writs of habeas corpus;

Which was amended by adding the county of "Putnam."

No. 243½. An act to authorize the trustees of township No. 5 south, of range 5 east, in Harrison county, to subdivide the township;

No. 227. An act to legalize certain deeds;

No. 212. An act giving additional powers to the board of commissioners of Tippecanoe county;

No. 214. An act to amend an act entitled, "an act for the relief of Charles Purcell, late collector of Posey county," approved January 8, 1842;

No. 226. An act to legalize the publication of the delinquent list of Tippecanoe county, and authorizing the sale of delinquent lands on the first Monday in March next;

No. 238. An act to incorporate the Belmont Manufacturing Company;

No. 241. An act to authorize a trustee to order the election of trustees in the town of Washington;

No. 252.

No. 243. An act to amend an act approved January 19, 1846;

Which were each read a second and third times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

No. 216. An act to amend section 37, article 2, chapter 35, of the Revised Statutes of 1843, relative to divorces;

No. 233. An act authorizing the county commissioners of Harrison county to make an additional allowance to the auditor of said county;

No. 234. An act to locate a State road therein named;

No. 221. An act for the relief of Joseph P. Smith, of Lake county;

Were each severally read a second time, and ordered to a third reading.

No. 211. An act to incorporate the town of Point Commerce, in Greene county;

Was read a second time, and referred to a select committee of Messrs. Jones of Greene, and others.

Mr. Secrest moved to take up the following message from the Senate:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have adopted the following resolution:

Resolved, That the House of Representatives be requested to return to the Senate the message containing the resolution fixing the time for the final adjournment of the General Assembly.

On this motion,

Messrs. Suit and Thompson demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Brown, Carnahan, Carr of Lawrence, Dobson, Dole, Dowling, Edwards, Gordon, Green, Hall of Posey, Hall of Warren, Harding, Harvey, Hendricks, Hill, Hunt, Huff, Hull, Johnson, Jones of Greene, Kerr, Lemmonds, Lewis, Logan, Mason, May, Meredith, Moore, Noel, Nofsinger, Osborn, Palmer, Parker, Porter, Secrest, Sleeth, Stewart of Fayette, Thompson, Watts, Wolfe, and Mr. Speaker—41.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Arnold, Balding, Carr of Clark, Cassatt, Cravens, Deam, Decker, Ferguson, Griffis, Hamilton, Hanna, Hatfield, Hicks, Huddleston, Jones of Blackford, Julian, Lutz, McCormack, Monk, Neal, Norton, Parks, Shields, Stanfield, Stewart of Laporte, Suit, Summers, Tackett, Tait, Thomas, Trimble, Wilson, Wise, and Yaryan—36.

So said motion prevailed, and the resolution was taken up.

Mr. Secrest then offered the following:

Resolved, That the House of Representatives send to the Senate the message containing the resolution of that body for an adjournment of the two Houses, *sine die*, on Monday the 25th inst., in accordance with the request of the Senate.

Resolved, That the House of Representatives send to the Senate (in accordance with their request) the message containing the agreement of the Senate to the amendment made by the House to the Senate's resolution for an adjournment of the two Houses, *sine die*, on the 18th inst.

Resolved further, That the resolution fixing Monday the 25th inst. for an adjournment of the two Houses be, and the same is hereby amended, the Senate concurring therein, and that we will adjourn, *sine die*, on Thursday, the 28th inst.

Mr. Suit moved that the resolutions be laid on the table.

Mr. Edwards moved a call of the House.

Which was seconded by the House.

And Messrs. Fry, Scott, Clark, Holland, and Huffstetter excused attendance.

Mr. Secrest moved that the absentees be sent for.

Which motion prevailed.

And on their appearance,

On motion by Mr. Dowling,

The further call was suspended.

The question then recurring on the motion of Mr. Suit,

Messrs. Suit and Cravens demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Addleman, Anthony, Arnold, Brown, Carr of Clark, Cassatt, Cravens, Deam, Decker, Ferguson, Griffis, Hamilton, Hanna, Hicks, Huddleston, Huffstetter, Hull, Hunt, Jones of Blackford, McCormack, Neal, Norton, Shields, Stanfield, Stewart of Laporte, Suit, Summers, Tait, Thomas, Trimble, Wiley, and Yaryan—32.

Those who voted in the negative are,

Messrs. Balding, Battell, Carr of Lawrence, Carnahan, Colms, Dobson, Dole, Dowling, Edwards, Fuller, Gordon, Green, Hall of Posey, Hall of Warren, Harding, Harvey, Hatfield, Hendricks, Hill, Holland, Holman, Hostetter, Huff, Jenison, Johnson, Jones of Greene, Julian, Kerr, Lemmonds, Lewis, Logan, Mason, May, Meredith, Miller, Monk, Moore, Noel, Nofsinger, Osborn, Palmer, Parker, Parks, Porter, Powell, Secrest, Sleeth, Smiley, Thompson, Watts, Wilson, Wise, Wolfe, Woodruff, Young. and Mr. Speaker—56.

So said motion did not prevail.

The question then being,
"Shall the resolution be adopted?"
Messrs. Yaryan and Gordon demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Brown, Balding, Battell, Carr of Lawrence, Carnahan, Cravens, Dobson, Dole, Dowling, Edwards, Fuller, Gilleece, Gordon, Green, Hall of Warren, Hall of Posey, Harding, Harvey, Hendricks, Hill, Holland, Holman, Huff, Hull, Jenison, Johnson, Jones of Greene, Julian, Kerr, Lemmonds, Lewis, Logan, Mason, May, Meredith, Miller, Moore, Noel, Nofsinger, Osborn, Parker, Parks, Porter, Secrest, Smiley, Stewart of Fayette, Tebbs, Thompson, Watts, Wilson, Wise, Wolfe, Woodruff, Young, and Mr. Speaker—55.

Those who voted in the negative are,

Messrs. Addleman, Anthony, Arnold, Carr of Clark, Cassatt, Colms, Deam, Decker, Ferguson, Griffis, Hamilton, Hanna, Hatfield, Hicks, Huddleston, Huffstetter, Hunt, Jones of Blackford, McCormack, Monk, Neal, Norton, Palmer, Shields, Sleeth, Stanfield, Suit, Summers, Tackett, Tait, Thomas, Trimble, Wiley, and Yaryan—33.

So said resolution was adopted.
Ordered, That the clerk inform the Senate thereof.
On motion by Mr. Tebbs,
No. 427. A bill relative to school funds in Dearborn county,
Was taken up, read a third time, and passed.
Ordered, That the clerk inform the Senate thereof.
No. 120, (Senate.) A joint resolution on the subject of the improvement of harbors and rivers.
No. 35, (Senate.) An act to provide for the election of township assessors in certain counties therein named, and defining their duties.
No. 257, (House.) An act to incorporate the Columbus Bridge Company.
No. 375, (House.) An act to prevent the spread of Canada thistles.
No 438, (House.) An act to revive and amend an act to incorporate the Lafayette Insurance Company, approved February 8, 1836.
No. 453, (House.) An act making an appropriation to J. R. Pratt & Co. for the erection of the new State Prison.
No 471, (House.) An act for the relief of Alpha Buckley, of Miami county.
No. 475, (House.)
No. 479, (House.) An act to provide for the election of township assessors in the county of Boone, and defining their duties.
Which were severally read a third time and passed.

No. 492, (House.) A joint resolution in relation to the Mexican war.

Which was read a second and third times and passed.

Mr. Secrest, on leave, presented the following bill:

No. 493, (House.) An act to incorporate the Brazil Steam Mill Manufacturing Company, in Clay county, Indiana.

Which was read three several times—the rules being suspended—and passed.

Mr. Hall of Warren, on leave, presented the following bill:

No. 494, (House.) An act to protect stock running at large.

Which was read three several times—the rules being suspended—and passed.

Mr. Lemmonds moved a reconsideration of the vote on bill

No. 338. In relation to German schools.

Which motion prevailed.

And said bill was read a second time, and lost on its engrossment.

A message from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate have passed engrossed bills of the House, without amendment, as follows:

No. 205. An act for the improvement of the river Patoka, in Gibson county.

No. 234. An act to change the name of William Chill to that of William Darnell.

No. 266. An act to improve the Michigan road in Carroll county.

No. 269. An act to amend "An act to provide for opening and repairing public roads and highways in the counties of Gibson and Pike," approved January 31, 1842.

No. 278. An act in relation to roads and highways in Lagrange county.

No. 280. An act to legalize the acts of Robert Laffler as school commissioner of Harrison county.

No. 288. An act to relocate the State road from Rushville, in Rush county, to Laurel, in Franklin county.

No. 301. An act relative to road tax in Laporte county; and

No. 357. A joint resolution in regard to the Hospital for the Insane.

The Senate have also passed engrossed bill of the House,

No. 272. An act to amend the provisions of chapter 37, section 70, part 3, article 1, of the Revised Statues of 1843,

With an amendment, in which the concurrence of the House is respectfully requested.

Said amendment was read and concurred in.

Ordered, That the clerk inform the Senate thereof.

I am also directed to inform the House that the Senate have concurred in the amendment of the House to the amendment of the Senate to bill of the House,

No. 135. An act authorizing the collection of certain taxes therein named.

A message from the Senate, by Mr. Jones, their secretary.

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed engrossed bills thereof, as follows:

No. 205. An act to amend the general provisions respecting wills and testaments.

No. 222. An act to amend "An act to establish a free turnpike in Jay county," approved January 13, 1846.

No. 235. An act to amend "An act to provide for the construction of a Railroad from Martinsville, in Morgan county, to Franklin, Johnson county."

No. 256. An act to incorporate the Greensburgh and Harrison Turnpike Company.

No. 258. An act to incorporate the Fort Wayne and Goshen Turnpike Company.

No. 266. An act in relation to travelling merchants or pedlars in the several counties therein named.

No. 269. An act to authorize the auditor of Henry county to establish a ferry.

In which the concurrence of the House of Representatives is respectfully requested.

The Senate have also concurred in the amendments of the House to bills of the Senate,

No. 34. An act to extend the time of working out the road tax in the several counties therein named.

No. 70. An act to provide for the punishment of seduction.

No. 93. An act to incorporate the Lafayette Hydraulic Company.

No. 258, was read a first and second times—the rules being suspended—amended by Mr. Parker, and the bill ordered to a third reading.

The remainder were then read a first time and ordered to a second reading.

A message from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof:

No. 259. An act to incorporate the city of Jeffersonville;

In which the concurrence of the House is respectfully requested.

Said bill was read a first time and ordered to a second reading.

A message from the Senate, by Mr. Jones, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House, without amendment, as follows:

No. 433. An act to amend an act entitled "An act to provide for the continuance of the construction of all or any part of the public works of this Stae by private companies, and for abolishing the board of internal improvements, and the offices of fund commissioner and chief engineer," approved January 28, 1842.

A message from the Senate, by Mr. Jones, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed, without amendment, engrossed bills of the House, as follows:

No. 321. An act authorizing the canal commissioner to credit and receipt for moneys heretofore paid by purchasers of W. & E. canal lands;

No. 360. An act fixing a certain annual compensation to the auditor of Boone county;

No. 243. An act to authorize the receiving of road tax separate from other tax or taxes, with one amendment;

In which the concurrence of the House is respectfully requested.

Said amendment was read and concurred in.

Ordered, That the clerk inform the Senate thereof.

The Senate have also passed engrossed bills thereof, as follows:

No. 196. An act defining the duties of State Agent;

No. 224. An act providing for the publication of certain laws therein named;

No. 271. An act to refund to the several branches of the State Bank of Indiana the amounts advanced by them to aid the transporting of the volunteers to New Albany;

In which I am directed to ask the concurrence of the House of Representatives.

Said bills were each read a first time and ordered to a third reading.

A message from the Senate, by Mr. Jones, their secretary:

MR. SPEAKER:

I am directed dy the Senate to inform the House that the Senate

have passed the following engrossed bill thereof:

No. 273. A bill to vacate a part of the town of Fair West, in Johnson county;

In which the concurrence of the House is respectfully requested.

Said bill was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Jones, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof, as follows:

No. 263. An act authorizing the Governor of this State to appoint a probate judge *pro tempore* in the county of Monroe;

No. 264. An act authorizing the sale of certain real estate therein named;

No. 265. An act regulating the granting of license in the county of Grant;

In which the concurrence of the House is respectfully requested.

Said bill (No. 263) was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Bills No. 264 and 265 were each read a first time and ordered to a second reading.

The Senate have also concurred in the amendments of the House to the amendments of the Senate to engrossed bill of the House

No. 115. An act to locate a State road in the counties of Grant and Richardville.

The Senate have also concurred in the amendments of the House to engrossed joint resolution of the Senate

No. 154. An act on the subject of improving the mail communication between the Wabash Valley and New Orleans.

A message from the Senate, by Mr. Jones, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following bill:

No. 275. A bill empowering Rachael Blair, administratrix of the estate of Enos Blair, deceased, formerly sheriff and collector of Monroe county, to collect arrears of taxes;

In which the concurrence of the House is respectfully requested.

Said bill was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Orth, a Senator:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate have this day passed engrossed bill of the House

No. 446, entitled "An act to legalize certain proceedings in Tippecanoe county," without amendment.

A message from the Governor, by Mr. Hanna, his private secretary:

Gentlemen of the House of Representatives:

I herewith return the bill No. 180, which originated in the House, with the reasons why I have felt constrained to withhold my approval of the same.

The bill provides that the official acts of one of the justices of the peace of Randolph county are thereby made legal "to all intents and purposes." It further provides that the filing of the official bond of said justice with the auditor of the county, instead of the clerk of the circuit court thereof, is thereby declared to be legal, any law to the contrary notwithstanding.

If the only cause of the supposed invalidity or illegality of the official acts of the justice, is, as it is presumed to be, the filing of the bond with the wrong officer, it is submitted that the provisions of the bill should have been to legalize the filing of the bond and to declare all his official acts and proceedings to be as legal as though the bond had been filed with the clerk of the circuit court, *and no further*. In other words, the legislative remedy should have merely covered the error which has intervened, or which is complained of. Instead of that, under the broad provisions of the bill, it attempts to legalize all his official acts, including such as would have been illegal (if any there should be) even if his bond had been properly filed, and that too, without knowing what such acts have been.

Errors in matters of jurisdiction may have occurred, illegal process may have been issued, erroneous judgments may have been rendered, and rights of actions may have accrued to individuals on account of official misconduct, not referable to the illegality of the filing of the bond, and which the proper filing of the bond would not have cured. While it is trusted and believed that the official conduct of the justice has not been censurable in these particulars, as certainly no information of the kind has been received, yet the present bill may become a precedent in other cases, and all such delinquencies are clearly covered by its broad and comprehensive

language. This, it is presumed, was not the intention of the Legislature to do, and the bill is therefore respectfully returned at the earliest moment, in order that the objection may be removed before adjournment, in which case the Executive approval will be cheerfully given.

January 20, 1847. JAS. WHITCOMB.

The question then being,

"Shall the bill pass notwithstanding the objections of His Excellency, the Governor?"

The ayes and noes being called, according to the requirement of the Constitution in such case made and provided.

Mr. Hamilton voted in the affirmative.

Those who voted in the negative are,

Messrs. Arnold, Brown, Balding, Carr of Clark, Carr of Lawrence, Colms, Deam, Dole, Dowling, Edwards, Fuller, Gilleece, Gordon, Griffis, Green, Hall of Warren, Hanna, Harding, Harvey, Hatfield, Hicks, Holland, Holman, Huddleston, Huff, Huffstetter, Hunt, Jenison, Johnson, Jones of Blackford, Kerr, Lewis, Mason, May, Meredith, Miller, Monk, Moore, Neal, Noel, Norton, Osborn, Palmer, Parks, Porter, Powell, Secrest, Shields, Sleeth, Stanfield, Suit, Summers, Tackett, Tait, Tebbs, Trimble, Watts, Wiley, Wilson, Wise, Wolfe, Woodruff, Young, and Mr. Speaker—66.

So said bill did not pass.

A message from the Governor, by Mr. Hanna, his private secretary:

Mr. Speaker:

I am directed by the Governor to inform the House of Representatives, that he did on yesterday, approve and sign the following bill, to-wit:

No. 250. An act in regard to the former surplus revenue agent in Perry county, (John Elder,) and his securities.

Which originated in the House of Representatives.

January 22, 1847.

Mr. Tait made the following report:

Mr. Speaker:

The committee on enrolled bills have compared the following enrolled with the engrossed bills, and find them truly enrolled.

No. 234. An act to change the name of William Chill to that of William Darnell.

No. 364. An act to provide for an additional place of holding elections in Clark county.

No. 357. A joint resolution in regard to the hospital for the insane.

No. 156. An act in relation to the common school fund in the county of Jackson.

No. 301. An act relative to road tax in Laporte county.

No. 280. An act to legalize the acts of Robert Leffler, as school commissioner of Harrison county.

No. 269. An act to amend an act entitled, "an act to provide for opening and repairing public roads and highways in the counties of Gibson and Pike," approved January 31, 1842.

No. 167. An act to locate a State road in the counties of Richardville and Carroll.

No. 320. An act to regulate and change the time of holding courts in the fourth judicial circuit, and authorizing special chancery courts to be held therein.

No. 49. An act authorizing the executors of the estate of Jacob Sinks, late of Wayne county, deceased, to sell certain real estate.

No. 246. An act to authorize writs of ne exeat.

No. 266. An act to improve the Michigan road in Carroll county.

No. 288. An act to relocate the State road from Rushville, in Rush county, to Laurel, in Franklin.

No. 215. An act to amend an act entitled, "an act granting to the citizens of Madison and the town of Lawrenceburgh a city charter, and also all acts amendatory thereto.

No. 359. An act to establish an additional election precinct in Deer Creek township, Perry county, and for other purposes.

No. 205. An act for the improvement of the river Patoka, in Gibson county.

No. 278. An act in relation to roads and highways in Lagrange county.

No. 311. An act to amend an act entitled, "an act relative to overseers of the poor," approved January 15, 1844.

No. 135. An act authorizing the collection of certain taxes therein named.

No. 38. An act defining the mode of publishing the delinquent tax lists in the several counties of this State.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

The House adjourned until to-morrow morning, 9 o'clock.

SATURDAY MORNING, January 23, 1847.

The House met pursuant to adjournment.

On motion by Mr. Hamilton,

The reading of the journal of yesterday was dispensed with.

On motion by Mr. Hamilton,

Bill of the Senate,

No. 256. An act to incorporate the Greensburgh and Harrison Turnpike Company,

Was taken up, read a second and third times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Shields,

The vote taken on Senate bill,

No. 163. A bill to amend the 15th chapter of the Revised Statutes,

By which said bill was indefinitely postponed, was reconsidered.

Mr. Harvey moved to refer said bill to a select committee with the following instructions:

Amend the bill so that only one certificate in two years shall be required.

Also amend further, so that the person receiving a certificate shall pay to the examiners who actually examine him, the sum of twenty-five cents each.

Also strike out the eleventh section.

Mr. Secrest moved a division of the question,

Which was seconded.

The question then being on referring said bill to a select committee,

It was decided in the negative.

Mr. Miller moved to strike out the eleventh section;

Which motion did not prevail.

Mr. Porter offered the following amendment:

"That the trustees of the several school districts shall be allowed the sum of seventy-five cents per day for their services rendered as such trustees.

Which was not adopted.

The question then being on ordering said bill to a third reading,

Messrs. Lemmonds and Logan demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Arnold, Brown, Balding, Battell, Carr of Clark, Carr of Lawrence, Colms, Cravens, Deam, Dole, Dowling, Dunham, Ferguson, Fry, Gordon, Griffis, Green, Hall of Warren, Hamilton,

Hanna, Harlan, Hendricks, Hicks, Hill, Holland, Hostetter, Huddleston, Hull, Hunt, Kerr, Lemmonds, Lewis, Mason, May, Meredith, Moore, Noel, Nofsinger, Norton, Osborn, Palmer, Parker, Parks, Porter, Powell, Secrest, Shields, Smiley, Stewart of Laporte, Suit, Tackett, Tait, Watts, Wilson, Wolfe, Yaryan, and Mr. Speaker—58.

Those who voted in the negative are,

Messrs. Edwards, Fuller, Harding, Harvey, Hatfield, Huff, Huffstetter, Jenison, Johnson, Jones of Blackford, Logan, McCormack, Miller, Neal, Summers, Thompson, Trimble, Wiley, Wise, Woodruff, and Young—22.

So said bill was ordered to a third reading.

On motion,

The rules were further suspended, and said bill was read a third time.

And on the question of its passage,

Messrs. Noel and Miller demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Arnold, Brown, Balding, Battell, Carr of Clark, Carr of Lawrence, Colms, Cravens, Crookshank, Deam, Dole, Dowling, Dunham, Ferguson, Fry, Gordon, Griffis, Hall of Warren, Hamilton, Hanna, Harlan, Hendricks, Hill, Holland, Huddleston, Hunt, Kerr, Lemmonds, Lewis, Mason, May, Meredith, Moore, Noel, Nofsinger, Osborn, Palmer, Parker, Parks, Porter, Powell, Secrest, Smiley, Stewart of Laporte, Tait, Tebbs, Watts, Wilson, Wolfe, Yaryan, and Mr. Speaker—52.

Those who voted in the negative are,

Messrs. Edwards, Fuller, Hall of Posey, Harding, Harvey, Hatfield, Hicks, Huffstetter, Johnson, Jones of Blackford, Logan, Miller, Monk, Neal, Shields, Summers, Thompson, Trimble, Wiley, Wise, Woodruff, and Young—22.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Miller asked leave to withdraw from the files the papers in the divorce case of Doctor Charles Fullerton, presented in the year 1839.

Which was granted.

Mr. Dunham asked leave to take from the files the report and balance sheet of the commissioners appointed to settle with J. R. Pratt & Co.

Which was granted.

Mr. Meredith, on leave, introduced

No. 495. A bill for the relief of the White Water Valley Canal Company.

Which was read a first and second times, the rules being suspended; when,

On motion by Mr. Wiley,

"Reconstruct" was struck out wherever it occurs, and "repair" inserted in lieu thereof.

Mr. Wiley moved to strike out the third section after the word "canal."

Which motion did not prevail.

Mr. Wiley offered the following amendment:

Be it further enacted, That this act shall not be so construed as to give any authority to take and appropriate to the use of said company, any timber, stone, land, or any other material whatsoever, except a contract shall first be entered into by and between the said company, and the owner of any property which the said company may want, for repairs or construction of the White Water Canal; and if any engineer, superintendent, commissioner, or other person acting for, or by the authority of said company, shall violate the provisions of this act, shall be taken and deemed as a malicious trespasser, and punished as such offences are punished, any thing in this act to the contrary notwithstanding.

Which said amendment was,

On motion by Mr. Julian,

Laid on the table.

The question then being,

"Shall the bill be engrossed for a third reading?"

Messrs. Colms and Palmer demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Brown, Battell, Carnahan, Cravens, Crookshank, Dobson, Dole, Dowling, Edwards, Fry, Gordon, Griffis, Hall of Posey, Hall of Warren, Hanna, Harding, Harvey, Hendricks, Hill, Holman, Hostetter, Huddleston, Hull, Hunt, Johnson, Jones of Greene, Julian, Kerr, Lewis, May, Meredith, Miller, Moore, Noel, Nofsinger, Parker, Powell, Secrest, Smiley, Stanfield, Stewart of Fayette, Stewart of Laporte, Summers, Tebbs, Thomas, Watts, Wise, Yaryan, and Mr. Speaker—49.

Those who voted in the negative are,

Messrs. Arnold, Balding, Carr of Clark, Cassatt, Colms, Deam, Decker, Dunham, Ferguson, Green, Hamilton, Hatfield, Hicks, Holland, Huff, Huffstetter, Jones of Blackford, Lemmonds, Mason, Monk, Neal, Norton, Osborn, Palmer, Parks, Porter, Shields, Sleeth, Suit, Tait, Thomas, Trimble, Wiley, Wilson, Woodruff, and Young—36.

So said bill was ordered to be engrossed for a third reading.

Mr. Secrest, on leave, made the following report:

MR. SPEAKER:

The committee of ways and means, to whom the subject belongs under the rules of the House, and by various references made to said committee, have directed me to report a bill making specific appropriations for the year 1847, and respectfully recommend its passage.

Said bill, No. 497, was read a first and second times, the rules being suspended, and,

On motion by Mr. Secrest,

Was referred to the House as committee of the whole, and made the special order of the day for two o'clock, P. M.

Mr. Jones of Greene, on leave, made the following report:

MR. SPEAKER:

The select committee to which was referred Senate bill No. 211, have had the same under consideration and have instructed me to report the same back to the House and recommend its passage, and ask to be discharged from the further consideration of the subject.

No. 211. (Senate.) An act to incorporate the town of Point Commerce, in Greene county;

Was read a second and third times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Hendricks, on leave, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of James Vawter, asking damages, occasioned by the running of the railroad through his land, have had the same under consideration, and have directed me to report that, however much justice and equity there may be in the claim of the petitioner, yet in consequence of the session of this General Assembly being so very near a close, they deem it inexpedient at the present session to legislate on the subject, and ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Parker, on leave, made the following report:

MR. SPEAKER:

The committee on canals, to whom was referred the petition of John McIntosh and others, of Allen county, have had the same un-

der consideration, and have instructed me to report the following bill and recommend its passage.

No. 501. An act for the benefit of citizens owning farms through which the Wabash and Erie canal passes in Allen county;

Was read a first and second times, the rules being suspended, and,

On motion by Mr. Palmer,

Allen county was struck out, when said bill

Was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Thompson, on leave, made the following report:

MR. SPEAKER:

The committee on claims, to which was referred a petition of Wm. D. Lee, have examined it, and instructed me to report that it is inexpedient to legislate upon the prayer of the petitioner.

Which was concurred in.

Mr. Holman, on leave, offered the following resolution:

Resolved, That the Senate be requested to return to this House a bill of the Senate, No. 178, an act fixing the boundary line between Cass and Miami counties;

Which was adopted.

Mr. Thompson, on leave, made the following report:

MR. SPEAKER:

The committee on claims, to which was referred Senate bill No. 188, entitled "An act for the relief of Daniel Dayhuff, have examined the same and instructed me to report without amendment.

Said bill was read a second time and ordered to a third reading.

On motion by Mr. Watts,

The petition of Samuel Hay was taken from the table and referred to the committee on education.

Mr. Parker, on leave, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Henry Miller and others, of Allen county, have had the same under consideration and instructed me to report the following bill and recommend its passage.

No. 504. An act levying an additional road tax on lands in Allen county;

Was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Meredith, on leave, made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred the petition of John G. Bailey, of the counties of Allen and De Kalb, have had the same under consideration, and direct me to report a bill for the location of said road, and the committee ask to be discharged from the further consideration of the subject.

No. 505. An act to establish a certain State road in the counties of Allen and De Kalb;

Was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Meredith, on leave, made the following report:

MR. SPEAKER:

The committee on roads to whom was referred the petition of I. W. Robinson, of Ripley county, praying the location of a State road in said county, have had the same under consideration, and direct me to report that it is inexpedient to legislate on the subject, and the committee ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Meredith, on leave, made the following report:

MR. SPEAKER:

The committee on roads to whom was referred the petition of Nicholas Flenor and others, of Monroe county, asking the location of a State road in Monroe and Brown counties, and the remonstrance of Alexander Murphy and others, of Brown county, against the location of said road, have had the same under consideration, and direct me to report that it is inexpedient to legislate on the subject, and the committee ask to be discharged from the further consideration thereof.

Which was concurred in.

On leave, the following bills were introduced:

By Mr. Stanfield:

No. 496. An act to repeal so much of section 38, chapter 47, article 4, of the Revised Statutes of 1843, as prohibits justices of the

peace from acting as agents in certain cases, so far as St. Joseph county is concerned, and for other purposes.

By Mr. Hicks:

No. 499. A bill to incorporate the Blue River and Sugar Creek Bridge Company.

By Mr. Hatfield:

No. 500. A bill to incorporate the town of Greenfield, Hancock county.

By Mr. Colms:

No. 502. A bill fixing the time of holding the May and November terms of the Grant county probate court.

Which were each read three several times—the rules being suspended—and passed.

Ordered, That the clerk inform the Senate thereof.

On leave, the following petitions, &c., were introduced:

By Mr. Johnson, a petition for a divorce.

Which was laid on the table.

By Mr. Arnold, the petition of sundry citizens of Bartholomew county, praying a change of a portion of the Mauk's Ferry State road in said county.

Which was laid on the table.

By Mr. Lewis, a petition for the relief of Joseph Mason.

Which was laid on the table.

Mr. Mason, on leave, introduced,

No. 503. An act for the relief of William A. Matney, of Brown county.

Which was read a first time and rejected by the House.

Mr. Palmer moved to take from the table

No. 306. A joint resolution in relation to Wabash and Erie Canal scrip.

Which motion of Mr. Palmer was,

On motion by Mr. Suit,

Laid on the table.

Mr. Suit, on leave, introduced

No. 506.

Which was read a first time.

Mr. Wolfe moved to reject said bill.

On this motion,

Messrs. Suit and Neal demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Arnold, Balding, Carr of Clark, Carnahan, Cravens, Deam, Decker, Dobson, Dowling, Edwards, Green, Hamilton, Harding, Harvey, Hatfield, Hicks, Holland, Holman, Hostetter, Huff, Huffstetter, Hull, Hunt, Jones of Blackford, Jones of Greene, Kerr, Logan, Mason, May, Meredith, Miller, Moore, Norton, Osborn,

Parks, Porter, Secrest, Shields, Sleeth, Summers, Tait, Thomas, Thompson, Trimble, Watts, Wiley, Wise, Wolfe, and Young—52.

Those who voted in the negative are,

Messrs. Brown, Cassatt, Colms, Fuller, Jenison, Neal, Noel, Palmer, Suit, Wilson, and Woodruff—12.

So said bill was rejected.

Mr. Secrest, on leave, overed the following resolution:

Resolved, That the State Printer be directed to deliver to the Secretary of State all reports ordered to be printed during the present session, and which may not be printed before the adjournment, so soon as printed, whose duty it shall be to forward the same to the members and officers, by mail, immediately after delivery.

Which was adopted.

On motion by Mr. Palmer,

The House adjourned until two o'clock, P. M.

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2 o'clock, P. M.

The House met.

Mr. Harvey moved a call of the House.

Which was seconded.

Messrs. Addleman, Hill, McCormack, Scott, and Walker were excused attendance on account of sickness.

On motion by Mr. Edwards,

The further call was suspended.

The House then resolved itself into a committee of the whole on the special order of the day,

No. 497. A bill making specific appropriations for the year 1847,

With Mr. Carr of Lawrence in the Chair.

After some time spent therein, the committee rose, and Mr. Carr of Lawrence reported that the committee had, agreeably to order, had said bill under consideration, and had made sundry amendments thereto, in which the concurrence of the House is respectfully requested.

Which said amendments were,

On motion by Mr. Palmer,

Concurred in.

And said bill was read a second and third times—the rules being suspended—and passed.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate, by Mr. Jones, their secretary.

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that they have passed bill of the House No. 75, the title of which, as it passed the House was,

"A bill entitled an act declaring a part of Salt creek a public highway, approved February 13, 1840,"

And have amended the title as follows:

After the word "act," where it first occurs, insert the words "to amend an act."

In which the concurrence of the House is respectfully requested.

The amendments to said bill, in said message mentioned, were concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Jones, their secretary;

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate have passed engrossed bills of the House, as follows, without amendment:

No. 376. An act for the relief of the White Water Valley Canal Company.

No. 377. An act relative to the overseers of the poor in Floyd county.

No. 440. An act to vacate a certain alley in the town of Greencastle.

No. 449. An act for the relief of William Smith.

No. 456. An act to legalize certain of the official acts of Solomon M. Semans, a justice of the peace of Randolph county.

No. 462. An act authorizing the commissioner of the reserved township College lands, to make a deed to certain lots therein named.

No. 463. An act to incorporate the Terre Haute and Richmond Railroad Company.

No. 477. An act to extend an act for the preservation of sheep, approved January 25, 1841, and the amended act thereto, approved February 9, 1843.

No. 483. An act to provide for the applying of the three per cent. fund due to the county of Ripley, to the improvement of certain roads therein named.

No. 490. An act legalizing the acknowledgments of deeds taken by the probate judges of Knox and Delaware counties.

Also joint resolutions of the House,

No. 445. An act relative to the removal of the remains of the late Hon. Tilghman A. Howard; and

No. 451. An act legalizing the acts of Benjamin A. Allison, administrator of the estate of Amasa Jocelin, late of Owen county, deceased.

The Senate have also passed engrossed bills of the House,

No. 293. An act to repeal the act, entitled "An act to amend the 4th article of the 16th chapter of the Revised Statutes of 1843, so far as the same relates to the counties of Washington and Jackson," approved January 5, 1844, so ar as the same relates to the county of Washington.

No. 464. An act to repeal the local laws on the subject of roads and highways in the county of Lawrence.

Each with an amendment, in which the concurrence of the House is respectfully requested.

Said amendments were read and concurred in by the House.

The Senate have also concurred in the amendment of the House to the amendment of the Senate to bill of the House,

No. 130. An act granting to probate judges in this State the right of taking acknowledgments of deeds and other instruments in writing, and for other purposes.

Also the following message from the Senate, by Mr. Jones, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate have passed engrossed bill of the House as follows, without amendment:

No. 452. An act to incorporate the Greensburgh and Napoleon Turnpike Company.

Also engrossed bill of the Senate,

No. 276. An act to vacate certain streets and alleys in Williamstown, Decatur county.

In which the concurrence of the House is respectfully requested.

The Senate have also concurred in the amendment of the House to bill of the Senate,

No. 107. An act to amend the charter of the Milford and Columbus Railroad Company.

No. 276, in said message mentioned,

Was read three several times—the rules being suspended—and passed.

Ordered, That the clerk inform the Senate thereof.

Also, the following message, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof:

No 274, entitled "A bill to attach the county of Rush to the thirteenth judicial circuit, for circuit court purposes;

In which the concurrence of the House of Representatives is respectfully requested.

Said bill was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Secrest from the committee on ways and means, to whom was referred

No. 436. An act for the relief of the sufferers by the late flood, reported the same back without amendment.

Said bill was read a second and third times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following bill of the House, without amendment:

No. 309. An act amendatory to the 30th chapter of the Revised Statutes of 1843:

The following messages were received from His Excellency, the Governor, by Mr. Hanna, his private secretary:

Mr. Speaker:

I am directed by the Governor to inform the House of Representatives that he did, on yesterday, approve and sign the following bills, to-wit:

No. 341. An act to amend "An act giving the right to the voters of Marion county to decide as to authorizing licenses to retail spirituous liquors in their townships," approved January 19, 1846;

No. 339. An act to authorize the probate judge of Fountain county to issue writs of *habeas corpus*, and take acknowledgments of deeds:

No. 279. An act to extend the jurisdiction of justices of the peace in Lagrange county;

No. 417. An act to provide for the holding of special terms of the circuit court in the county of Jefferson;

No. 206. An act in relation to road districts in the county of Huntington;

No. 218. An act to amend an act, and to extend the provisions of an act to Madison county;

No. 230. An act for the relief of the purchasers of the saline lands in Orange county;

No. 106. An act explanatory of certain acts therein named;

No. 195. An act to locate a certain road therein named;

No. 213. An act to establish a certain State road therein named.

No. 189. An act to authorize Gabriel Johnson to build a mill dam across the Mississinnewa river, in Grant county;

No. 63. An act to regulate chancery practice;

No. 254. An act to change the name ot Eliza Ann Camden to Eliza Ann Sidwell;

No. 210. An act to legalize the election of trustees of the town of Vernon, Jennings county;

No. 300. An act for the relief of Henry Wells, of Lake county;

No. 197. An act to incorporate the Institute of Fine Arts at Bowling Green, Clay county;

No. 366. An act providing for the election of township assessors in Hancock county;

No. 231. An act to legalize certain proceedings in the probate court of Allen county, Indiana;

No. 303. An act for the relief of the inhabitants of district No. 6, in township No. 2, north of range 2 east, in the counties of Orange and Washington;

No. 239. An act to provide for electing supervisors by districts in the counties of Wabash and Boone;

No. 319. An act in relation to grand juries in the county of Washington;

No. 368. An act to change the time of holding probate courts in the county of Parke;

No. 362. An act to legalize the marriage of Celia Lowder and Henry Perdue, of Daviess county;

No. 310. An act providing for the fees of the auditor of Hancock county;

No. 268. An act to authorize the probate judge of Dearborn county to issue writs of *habeas corpus;*

No. 188. An act to change the name of Anna James to that of Anna Churchman;

No. 244. An act to amend the city charter of Cambridge City, Wayne county, Indiana;

No. 109. An act defining the duties of county treasurers;

No. 211. An act entitled an act to repeal an act regulating road tax in the county of Jasper;

All of which originated in the House of Representatives.

January 23, 1847.

And also the following joint resolution:

No. 177. A joint resolution for the reduction of the price of public lands to actual settlers.

The following message was received from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the amendment of the House to the adjourning resolution of the Senate, fixing Thursday, the 28th instant as the day for the adjournment *sine die* of the present General Assembly.

A message from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate have passed an engrossed bill thereof,

No. 267. An act to incorporate the Jefferson Industrial and Literary Institute;

In which the concurrence of the House is respectfully requested.

Said bill was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Jones, their secretary.

Mr. Speaker:

The Senate have directed me to inform the House that they have passed the following engrossed bill of the Senate:

No. 242. An act making allowance to the Adjutant General of the Indiana Militia, Secretary of State, and Quarter Master General;

In which the concurrence of the House is respectfully requested.

The Senate have also concurred in the amendment of the House to bill of the Senate

No. 250. An act granting to Thomas J. Godman, sen., the privilege of supplying the city of Madison with water.

The Senate have also concurred in the amendment of the House to bill of the Senate

No. 63. An act to authorize the superintendent of the New Albany and Vincennes road to re-build bridges that have washed away on said road, with an amendment;

In which the concurrence of the House is respectfully requested.

Said amendment was read and concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

No. 342 in said message mentioned, was read a first and second times, the rules being suspended, when,

Mr. Noel moved to strike out $500 and insert $600 as an allowance to the Adjutant General;

Which motion of Mr. Noel was,

On motion by Mr. Colms,

Laid on the table.

Mr. Fuller moved to strike out $100 and insert $150 as an allowance to the Secretary of State;

Which was laid on the table.

Mr. Palmer moved the previous question;

Which was seconded by the House;

And the question being,

"Shall the main question now be put?"

It was decided in the affirmative.

And the main question being,

"Shall the bill be ordered to a third reading?"

It was decided in the affirmative.

Said bill was then read a third time and passed; when,

On motion by Mr. Cravens,

The vote on the passage of said bill was reconsidered.

The question then being,

"Shall the bill pass?"

Messrs. Palmer and Secrest demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Arnold, Brown, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Colms, Cravens, Deam, Dobson, Dunham, Edwards, Fuller, Hall of Warren, Harlan, Hatfield, Holman, Huffstetter, Jenison, Jones of Blackford, Jones of Greene, Julian, Lemmonds, Logan, Mason, May, Meredith, Miller, Monk, Neal, Noel, Nofsinger, Norton, Osborn, Palmer, Parks, Porter, Secrest, Sleeth, Stanfield, Summers, Tait, Watts, Wilson, Wolfe, Woodruff, Young, and Mr. Speaker—49.

Those who voted in the negative are,

Messrs. Anthony, Fry, Gordon, Griffis, Green, Hamilton, Harding, Harvey, Hendricks, Holland, Hostetter, Huddleston, Hunt, Kerr, Parker, Powell, Stewart of Fayette, Suit, Thomas, Trimble, Wise, and Yaryan—22.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Tait made the following report:

Mr. Speaker:

The committee on enrolled bills have compared the following enrolled with the engrossed bills, and find them truly enrolled:

No. 309. An act amendatory to the 30th chapter of the Revised Statutes of 1843;

No. 60. An act to fix the time of holding courts in the 10th judicial circuit;

No. 342. An act authorizing Nelson Peck and Elmore H. Wilcox to continue a mill dam across the Iroquois river, in Jasper county;

No. 224. An act relative to granting letters of guardianship;

No. 281. An act relative to auditor's fees in Bartholomew county;

No. 90. An act in relation to the services of subpœna in chancery;

No. 129. An act declaring a certain act therein named to be in force;

No. 360. An act fixing a certain annual compensation to the auditor of Boone county;

No. 243. An act to authorize the receiving of road tax separate from other tax or taxes;

No. 272. An act to amend the provisions of chapter 37, section 70, part 3, article 1, of the Revised Statutes of 1843;

No. 446. An act to legalize certain proceedings in Tippecanoe county;

No. 253. An act to vacate certain alleys in the town of Greencastle, Putnam county;

No. 181. An act for the protection of the property of married women;

No. 433. An act to amend an act entitled "An act to provide for the continuance of the construction of all, or any part of the public works of this State by private companies, and for abolishing the board of internal improvements, and the office of fund commissioner and chief engineer, approved January 28, 1842;

No. 321. An act authorizing the canal commissioner to credit and receipt for moneys heretofore paid by purchasers of Wabash and Erie canal lands;

No. 136. An act exempting improvements on real estate from taxation in the counties of Kosciusko and Miami;

No. 115. An act to locate a State road in the counties of Grant and Richardville;

No. 15. An act to amend an act entitled "An act fixing the time of holding the courts in the ninth judicial circuit, approved January 19, 1846;

No. 241. An act to amend an act entitled "An act to incorporate the town of Columbus, in Bartholomew county, Indiana," approved February 6, 1839;

Whereupon the Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

ORDERS OF THE DAY.

No. 450. An act making general appropriations for the year 1847;

No. 439. An act for the relief of Carey S. Goodrich;

No. 441. An act for the relief of John Carter, a purchaser of saline lands in Brown county;

No. 454. An act to extend the jurisdiction of justices of the peace in the county of Fayette;

No. 457. An act to prevent the circuit and probate courts in the county of Marion from sitting at the same time;

Which were each read a third time and passed.

No. 486. A joint resolution in reference to the extension of slavery;

Was read a third time; when,

Mr. Carr of Lawrence moved to indefinitely postpone the joint resolution.

On this motion,

Messrs. Cravens and Griffis demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Arnold, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Deam, Dobson, Dowling, Dunham, Fry, Fuller, Hatfield, Holman, Hostetter, Huffstetter, Jenison, Jones of Blackford, Jones of Greene, Lemmonds, Logan, Mason, May, Miller, Monk, Nofsinger, Osborn, Palmer, Parks, Secrest, Wilson, Wolfe, Woodruff, and Young—35.

Those who voted in the negative are,

Messrs. Brown, Colms, Cravens, Edwards, Ferguson, Gordon, Griffis, Green, Hall of Warren, Hamilton, Harding, Harlan, Harvey, Hendricks, Hicks, Holland, Huddleston, Huff, Hunt, Julian, Kerr, McCormack, Meredith, Moore, Neal, Noel, Parker, Porter, Powell, Stanfield, Stewart of Fayette, Suit, Summers, Tait, Thomas, Trimble, Watts, Wise, Yaryan, and Mr. Speaker—40.

So said motion did not prevail.

Mr. Cravens moved the previous question;

Which was seconded by the House;

And the previous question being,

"Shall the main question be now put?"

It was decided in the affirmative.

And the main question being,

"Shall the joint resolution pass?"

Messrs. Hamilton and Palmer demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Brown, Balding, Battell, Colms, Cravens, Dole, Gordon, Griffis, Green, Hall of Warren, Hamilton, Harding, Harvey, Hicks, Holland, Hostetter, Huddleston, Huff, Hunt, Julian, Kerr, Meredith, Moore, Noel, Neal, Parker, Porter, Powell, Stanfield, Stewart of Fayette, Suit, Summers, Tait, Thomas, Trimble, Watts, Wise, Yaryan, and Mr. Speaker—39.

Those who voted in the negative are,

Messrs. Anthony, Arnold, Carr of Clark, Carr of Lawrence, Carnahan, Deam, Dobson, Dowling, Dunham, Fry, Fuller, Harlan, Hatfield, Holman, Huffstetter, Jenison, Johnson, Jones of Blackford, Jones of Greene, Logan, May, Miller, Monk, Nofsinger, Osborn, Palmer, Parks, Secrest, Wiley, Wilson, Wolfe, Woodruff, and Young —33.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

SENATE BILLS ON THIRD READING.

No. 179. An act to extend the privilege of the State Libray to the benevolent institutions of the State;

No. 234. An act to locate a State road therein named;

No. 271. A bill to refund to the several branches of the State Bank of Indiana, the amounts advanced by them to aid the transporting the volunteers to New Albany;

No. 195. A joint resolution authorizing the printing of certain acts with the laws of this session;

No. 180. An act to incorporate the Perrysville seminary;

No. 183. An act to locate a State road in the counties of Whitley, Noble, and Kosciusko;

No. 185. An act defining the duties of the treasurer, auditor, and supervisors of highways in the county of Dearborn;

No. 184. An act to establish a State road in the county of Jay;

No. 203. An act to authorize the issuing out a writ of *ad quod damnum* in a certain case therein named;

No. 258. An act to incorporate the Fort Wayne and Goshen turnpike road company;

No. 229. An act to authorize George W. Lane, administrator of the estate of Arthur St. Clair, to purchase property at his own sale;

No. 157. An act to repeal an act more effectually to enable supervisors to open and keep in repair roads and highways;

No. 92. An act to give married women power to make wills, and to repeal section 9, chapter 30, of the Revised Statutes of 1843;

Which were each read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 216. An act to amend section 37, article 2, chapter 35, of the Revised Statutes of 1843, relative to divorces;

No. 221. An act for the relief of Joseph P. Smith of Lake county;

Was read a third time; when,

Mr. Wolfe moved to indefinitely postpone the bill;

On this motion,

Messrs. Green and Colms demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Balding, Carr of Clark, Carr of Lawrence, Cravens, Deam, Dobson, Dowling, Green, Hall of Warren, Hamilton, Hanna, Harding, Hendricks, Hicks, Holland, Huddleston, Jones of Greene, Kerr, Logan, Mason, Miller, Moore, Osborn, Porter, Powell, Sleeth, Suit, Summers, Tait, Thomas, Wiley, Wise, Wolfe, Yaryan, and Young—35.

Those who voted in the negative are,

Messrs. Carnahan, Colms, Dunham, Edwards, Ferguson, Fry, Harvey, Holman, Huff, Hunt, Jones of Blackford, May, Meredith, Neal, Noel, Norton, Parker, Parks, Secrest, Shields, Stanfield, Wilson, Woodruff, and Mr. Speaker—24.

So said motion did not prevail.

The bill was then laid on the table for the present.

Senate bills on second reading.

No. 196. An act defining the duties of State Agent.

No. 235. An act to amend an act to provide for the construction of a railroad from Martinsville, in Morgan county, to Franklin, in Johnson county.

No. 269. An act to authorize the auditor of Henry county to establish a ferry.

Which were each read a second and third times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

No. 205. An act to amend the general provisions respecting writs and testaments.

Which was read a second time, and referred to the judiciary committee.

No. 222. An act to amend an act to establish a free turnpike road in Jay county, approved January 13, 1846.

No. 224. An act providing for the publication of certain laws therein named.

No. 265. An act regulating the granting of licenses in the county of Grant.

Which were severally read a second time, and ordered to a third reading.

Senate Bills on Third Reading.

No. 266. An act in relation to travelling merchants or pedlars in the several counties therein named.

Which was read a second time, and amended by adding the counties of Blackford, Jay, Posey, Randolph, Carroll, Ripley, Switzerland, Ohio, Pike, Hendricks, Union, and Allen, and read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 259. An act to incorporate the City of Jeffersonville.

Mr. Cravens, on leave, entered the following protest:

A PROTEST

Of the members of the House of Representatives who voted against the Butler bill, January 16, 1847.

The undersigned members of the House of Representatives, in the exercise of a right guarantied to them by the Constitution, do hereby most solemnly PROTEST against the passage of a bill of this House, entitled, "A bill supplementary to an 'act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville,' approved January 19th, 1846."

In support of this protest, we submit to the people of Indiana, a few of the *many* reasons that influenced us in opposing the passage of said bill.

In common with the great mass of the citizens of the State, we feel a deep interest in a prompt and equitable arrangement of the State debt, that is now bearing so heavily upon our prosperity, and would cheerfully support any feasible arrangement to accomplish so desirable an object, compatible with public honor and within the ability of the people. But we are constrained to believe that the bill, as it passed the House, will be found, upon a careful examination, ineffectual in attaining the objects intended by its friends and advocates in the House.

At the commencement of the session of 1845–6, Charles Butler, Esq., representing himself to be the agent "of a large amount of the bonds of the State of Indiana," communicated to the Legislature that he was "fully authorized to enter into an arrangement with the State" for the final settlement of the State debt. After several weeks of patient investigation, the Legislature acceded, finally, to the propositions of said agent, and enacted a law providing for the payment of the funded debt of the State, and the completion of the canal to Evansville. We shall not stop to inquire into the propriety of the

provisions of that law. It was regarded as a proposal on the part of the State, and Mr. Butler assured its friends and the people at large, that it would be cheerfully accepted on the part of the bondholders.

The advocates of the bill of last session contended that by its operation one-half of the public debt would be placed upon the Wabash and Erie Canal—the other half upon the State to be met by taxation; and that the Wabash and Erie Canal would, in four years, be completed to Evansville. The principles of the bill, thus understood, were regarded by many (perhaps a majority) of the people of the State in a favorable light, and they felt disposed to acquiesce in its provisions, but while we say this much, it would be useless to disguise the fact that it met with very determined opposition, both in its passage, and among the great mass of our citizens.

After the passage of that act, Mr. Butler visited the bondholders, both American and European, for the purpose of inducing their acceptance. In this, however, he failed, and at the commencement of the present session he again presented himself to the Legislature, and asked at their hands, as he said, "*a few immaterial modifications*" of the law of last session.

The Legislature, ever anxious to preserve the public faith, received Mr. Butler—entertained his suggestions and representations—and the House of Representatives did, on Saturday, the 16th instant, pass the bill, against which we now protest.

Such is a brief review of the mission of Mr. Butler. We voted against this bill because, whether viewed as a debt measure or as a canal measure, it signally fails of accomplishing its object.

Indiana should never make any arrangement with her public creditors, without including in that arrangement *the entire public debt of the State.*

This we consider as a fundamental basis, from which there should not be the slightest departure. Any deviation from this basis will violate every principle of equity, and only tend further to embarrass the financial policy of the State. This bill provides for a surrender of only *one-half* ($5,545,000) of our outstanding bonds. The bonds thus surrendered are to be equally divided, and one-half placed on the canal for redemption, and the other half on the taxables of the State. So that its obvious effect will be to settle only *one-fourth* of the outstanding bonds on the canal, leaving the entire residue to be met by DIRECT TAXATION. It may be said that all the bonds will be surrendered under this bill, and thus the canal be made to pay one-half, but we reply, and we do so without the fear of successful contradiction, that such will not, and cannot, in the nature of things, be its operation.

The time for surrender is limited to the first day of November next, after that time the doors are closed—the bonds surrendered on the canal obtain a priority of the payment.

"*First*, In payment of the work, labor, and materials, or contracts, for the supply of work, labor or materials to be done and fur-

nished in and about the further prosecution and construction of the said canal and works, as the moneys to be paid for the same shall, from time to time, become due and payable; but not by way of anticipation, and of all needful and proper expenditure for repairs, attendance, and other causes, save and except so far as regards the existing tolls and revenues of the said canal, which are hereinafter declared to be expressly appropriated for and towards payment of interest, at six per cent. per annum, on the sums to be subscribed for the completion of the said canal and works, and which existing tolls and revenues are hereby declared to be excepted from the operation of this clause to that extent:

"*Secondly*, In payment of interest, after the rate of six per cent. per annum, on the sums to be respectively advanced by the holders of certificates to the said trustees, from time to time, in aid of the completion of the said canal and works, and to be computed from the respective times of advancing and paying such principal sums respectively, such interest to be payable in the city of New York, by equal half yearly payments, on the first day of January, and the first day of July, in each and every year, the first half yearly payment to be made on the first of January, 1848:

"*Thirdly*, In payment in full of the principal sums advanced, or to be advanced by the holders of certificates subscribing as aforesaid, for and towards the completion of the said canal and works, and from time to time remaining due:

"*Fourthly*, In payment in full, to the subscribers making the said advances, or to their assignees, of interest, at and after the rate of five per cent. per aunum, on the moiety of the principal of the bonds, which they may have surrendered and exchanged for certificates as aforesaid, such interest being to be computed from the first day of January, 1847:

"*Fifthly*, In payment in full to the subscribers making such advances, or their assigns, of the principal of the special stock to be issued to cover the arrears of interest due and accruing from the first day of January, 1841, to the first day of January, 1847, as fast as the same can be done, with interest on the same, at and after the rate of five per cent. per annum, to be computed from the first day of January, 1853:

"*Sixthly*, In payment in full to the subscribers making the said advances, or to their assigns, of the principal moneys secured by each such certificate, so charged over against the canal lands, and the tolls and revenues of the said canal:

"*Seventhly*, In payment in full to the other holders of any certificates of stock by the said act directed to be issued and charged as aforesaid, (such holder not being a subscriber to the said advance,) or their assigns, of interest at and after the rate of five per cent. per annum, on the amount of the principal thereof:

"*Eighthly*, In payment in full to the holders of certificates of special stock to be issued and charged as aforesaid, (such holders not be-

ing subscribers to the said advance,) or their assigns, of the principal of such special stock, with interest on the same at and after the rate of five per cent. per annum, to be computed from the said first day of January, 1853:

"*Ninthly*, In payment in full to the holders of such last mentioned certificates (not being stbscribers,) or their assigns, of the amount of the principal thereof respectively."

By giving these priorities to the bonds surrendered on the canal prior to the first day of November next, we not only violate the principle of the law of last session, but we place on the canal an annually accruing debt, over and above its revenue; so that the bonds that are not surrendered prior to the first day of November next, will not for many years, if ever, realize any benefit from the canal. Having therefore no inducement to surrender their bonds, they will refuse to accede to this law, but rely upon the *pledged faith of the State* for the redemption of the entire principal and interest of their bonds. Again, we are informed by Mr. Butler "that the bonds of Indiana, like those of Pennsylvania and New York, are to be found extensively in the hands of trustees, guardians, retired and aged persons, widows, and others, whose object was investment, and whose reliance for *support* is on income."

What becomes of this large and most meritorious class of our bondholders? We are told they are poor—that they rely on their income for their daily bread—and we say to them by this bill, "You cannot participate in the provisions of this measure, unless you advance us more money to complete our canal!" This is wrong; we are preferring the richer portion of our creditors at the expense of the poor widow and orphan. This is owing in a great measure to the priority clause in the bill—and this priority is also in direct violation of the principles of the law of last session, and of previous acts of the Legislature. The inevitable result must be, that a partial, a very partial arrangement is made by this bill, and hereafter the State will be called upon to make further provision for those of our creditors who are excluded from any benefit under it. And when the call is made, we shall be compelled by every principle of honor and integrity, to meet their reasonable demands, or be branded forever with the foul disgrace of *repudiation*.

By this bill we place in the hands of the trustees the only work of internal improvement of the State, and for a very inadequate consideration. We should never part with that work, and transfer its trade and commerce to the irresponsible control of foreigners, without providing at the same time for a full and adequate adjustment of every dollar of our indebtedness.

The canals and lands transferred to the bondholders have cost the State as follows, to-wit:

The Wabash and Erie Canal, east of Tippecanoe,	$2,642,629 42
Interest from 1835—12 years, - - -	1,585,577 65
Wabash and Erie Canal, west of Tippecanoe, -	910,122 32

Interest from 1840—7 years,		318,542 91
Cross-cut Canal,		436,031 82
Interest from 1838,		196,214 31
Central Canal, (Southern division,)		516,544 00
Interest from 1838,		258,272 00
Total amount,		$6,763,935 43
Lands, &c., as per estimate of Mr. Charles Butler,		2,400,000 00
Making in all,		$9,163,935 43
Am't of bonds surrendered on the Canal	$2,772,500	
Interest to 1st January, 1847,	836,750	
Total,		3,609,250 00
Leaving,		5,554,685 43

By the above statement it appears that we transfer to a few of our bondholders, a property that cost the State the enormous sum of $5,554,685 43—more than the amount of the principal and interest of the bonds by them surrendered on the Canal. This we consider a most extravagant and profligate waste of our public property.

But we are told that in return the bond-holders will advance to the State the sum of $800,000 to enable her to complete the Wabash and Erie Canal to Evansville, and that this amount of money distributed among our people, and the completion of the Canal, will better enable them to meet the taxes assessed against them.

These positions are both untenable.

In the first place, the bondholders, under the operation of this bill, will not bring any portion of said amount of $800,000 into the State. For during the six years in which they will be engaged in constructing said canal, the State will pay them the following amount of interest on that portion of the bonds surrendered on the State Treasury, viz:

Amount surrendered, (principal and interest,)	$3,609,250 00
Interest on the same for 6 years at 5 per cent.,	1,802,775 00
Deduct amount to be advanced,	800,000 00
Balance,	282,775 00

It is thus evident that during the next 6 years we will pay by taxation to the *preferred bond-holders* $262,775 00 more than the amount of advancement.

The bill also violates the principle of the law of last session in reference to the guaranties on the part of the preferred bondholders to complete the canal to Evansville. By that law the bondholders were compelled to subscribe the sum of $2,250,000 which with the canal was supposed to be sufficient to accomplish that object. This bill only provides for a subscription of $500,000, a sum totally

inadequate to complete said canal any further than to Terre Haute, or at farthest to Point Commerce. Neither the law of last year nor this bill contains any guaranty on the part of the preferred bondholders to complete the canal to Evansville, other than the subscription of the money. A similar law in the State of Illinois requires "that in case the subscribers shall fail or neglect to complete said canal within three years after this act goes into operation, then and in such case the lands and property hereby granted to said trustees shall revert to the State." This language is plain and intelligible, but no such provision is found in the bill passed by this House, and the State, after giving up all her lands, water-rents, canals, &c., has no assurance whatever that one of the greatest objects to be accomplished by this act will ever be attained. These and many other reasons, have influenced us in the course we have pursued, and we rely with full confidence upon the honesty and intelligence of our constituents for the rectitude of that course, and the purity of purpose that influenced our motives.

JAMES H. CRAVENS, *Ripley county*, (*Whig.*)
SPENCER WILEY, *Franklin*, (*Dem.*)
STEPHEN H. COLMS, *Kosciusko*, (*Whig.*)
STEPHEN NEAL, *Boone*, (*Dem.*)
WM. F. JONES, *Blackford and Jay*, (*Dem.*)
JOHN D. JOHNSON, *Dearborn*, (*Dem.*)
JAMES GRIFFIS, *Randolph*, (*Whig.*)
PHILIP McCORMACK, *Tippecanoe*, (*Whig.*)
JOHN TRIMBLE, *Delaware*, (*Whig.*)
SIMON S. MONK, *Crawford*, (*Dem.*)
SIMON SUMMERS, *Henry*, (*Whig.*)
JOHN M. HUDDLESTON, *Rush*, (*Whig.*)
ASA A. NORTON, *Elkhart*, (*Dem.*)
JOHN A. DEAM, *Wells and Adams*, (*Dem.*)
WM. S. ADDLEMAN, *Wayne*, (*Whig.*)
WM. THOMAS, *Rush*, (*Whig.*)
WM. YOUNG, *Madison*, (*Dem.*)
ANDREW J. HARLAN, *Grant*, (*Dem.*)
JAS. GILLEECE, *Huntington and Whitley*, (*Dem.*)
JAMES F. SUIT, *Clinton and Tipton*, (*Whig.*)
JOHN TAIT, JUN., *Ohio and Switzerland*, (*Whig.*)
SAMUEL DECKER, *Pulaski, Benton, &c.*, (*Dem.*)
PHILANDER HAMILTON, *Decatur*, (*Whig.*)
DAVID S. HUFFSTETTER, *Orange*, (*Dem.*)
G. W. HOLMAN, *Miami*, (*Dem.*)
A. F. HATFIELD, *Hancock*, (*Dem.*)
JACOB D. CASSATT, *Wabash*, (*Whig.*)
JOHN POWELL, *Henry*, (*Whig.*)
E. ARNOLD, *Bartholomew*, (*Dem.*)
JOHN YARYAN, *Union*, (*Whig.*)

NOTE.

Present and accruing tolls of the finished part of the Canal during the next four years, as per estimate of Mr. Charles Butler in his communication *to the bond-holders* in September, 1846, - - - - $600,000 00

Mr. Anthony, on leave, offered the following:

Resolved, That after to-day no member shall be permitted to introduce any bill or any new business requiring legislative action.

Which was laid on the table.

Mr. Parker, on leave, offered the following:

No. 507. A bill relative to county officers.

Which was read a first time and rejected by the House; and

On motion by Mr. Miller,

The House adjourned until Monday morning 9 o'clock.

MONDAY MORNING, January 25th, 1847.

The House met pursuant to adjournment.

On motion by Mr. Harvey,

The reading of the journal of Saturday last was dispensed with.

Mr. Dole moved to reconsider the vote taken on the 21st inst., to indefinitely postpone

No. 470. A bill to amend an act, entitled "An act declaring a mistake in the Revised Statutes of 1843.

Which said motion of Mr. Dole, was,

On motion by Mr. Colms,

Laid on the table.

On motion by Mr. Miller,

Resolved, That the unanimous thanks of this House are due (and are hereby presented,) to Robert N. Carnan, for the able, dignified, and impartial manner in which he has discharged his duties as Speaker of the House of Representatives, during the present session of the General Assembly.

On motion by Mr. Fuller,

Resolved, That a vote of thanks is hereby returned to the door-keeper, for the prompt, faithful, and efficient manner in which he has discharged the duties of his office.

On motion by Mr. Holland,

Resolved, That the thanks of this House be tendered to the prin-

cipal and assistant clerks for the very prompt and efficient discharge of their respective duties during the present session.

On leave, the following bills were introduced:

By Mr. Harvey:

No. 508. An act for the relief of the administrators of the estate of Enoch Barbour, late of Hendricks county, deceased.

By Mr. Noel:

No. 509. A bill for the vacation of certain streets and alleys in the town of Wellington, Marion county, Indiana.

By Mr. Watts:

No. 510. A joint resolution in regard to the Indiana Hospital for the Insane, the Deaf and Dumb Asylum, and the Institution for the Education of the Blind.

By Mr. Porter:

No. 511. A bill to revive and continue in force an act, entitled "An act to incorporate the Mount Carmel and New Albany Railroad Company," approved February 4, 1837.

By Mr. Yaryan:

No. 513. A joint resolution relative to international Literary Exchanges.

By Mr. Lemmonds:

No. 515. An act for the location of a State road in the counties of Dubois and Martin.

Which were each read three several times—the rules being suspended—and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Hendricks made the following report:

MR. SPEAKER:

The select committee to whom was referred bill No. 485, of the House, entitled "A bill to amend certain laws therein mentioned," have had the same under consideration, and have directed me to report the bill back with one amendment, and when so amended recommend its passage.

Said amendment was concurred in,

And said bill was read a second and third times—the rules being suspended—and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Stanfield made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred bill of the Senate No. 205, "to amend the general provisions respecting wills and testaments," have had the same under consideration, and directed me to report the same back, and recommend its passage.

Said bill was read a second and third times—the rules being suspended—and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Harvey made the following report:

Mr. Speaker:

The committee on the judiciary to whom was referred bill of the House No. 391, have had the same under consideration, and directed me to report the same back to the House, and recommend its indefinite postponement; and said committee ask to be discharged from the further consideration thereof.

Which was concurred in.

And said bill was indefinitely postponed.

On motion by Mr. Hunt,

Bill of the Senate,

No. 221. A bill for the relief of Joseph P. Smith, of Laporte county,

Was taken from the table, and referred to a select committee of Messrs. Hunt, Colms, and Woodruff.

Mr. Dole made the following report:

Mr. Speaker:

The select committee to whom was referred the joint resolution No. 328, in relation to the Wabash and Erie Canal, have had the same under consideration, and have directed me to report the same back to the House, and respectfully recommend its passage.

Said joint resolution was read a second time, when

Mr. Palmer offered the following amendment:

That the canal scrip issued for canal purposes, either east or west of Tippecanoe, shall be received for any canal land heretofore sold, both east and west of Tippecanoe.

Which was not adopted.

Mr. Palmer moved to strike out "Terre Haute," and insert "Coal creek."

Pending which,

Mr. Wiley moved to indefinitely postpone the joint resolution.

On which motion,

Messrs. Palmer and Dole demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Brown, Balding, Carr of Clark, Carnahan, Colms, Cravens, Deam, Decker, Dunham, Ferguson, Gilleece, Hall of Posey, Hamilton, Hanna, Harding, Harvey, Hatfield, Hill, Holman, Hud-

dleston, Hunt, Jenison, Johnson, Jones of Blackford, Logan, McCormack, Neal, Osborn, Palmer, Parks, Smiley, Stanfield, Stewart of Laporte, Tackett, Tait, Thomas, Wiley, Wilson, Wolfe, Woodruff, and Young—42.

Those who voted in the negative are,

Messrs. Battell, Carr of Lawrence, Dobson, Dole, Dowling, Edwards, Griffis, Green, Hall of Warren, Hendricks, Hicks, Holland, Hostetter, Huff, Hull, Kerr, May, Meredith, Miller, Moore, Noel, Nofsinger, Porter, Powell, Secrest, Stewart of Fayette, Summers, Tebbs, Trimble, Watts, and Wise—31.

So said motion prevailed.

Mr. Secrest, from the committee of ways and means, made the following report:

Mr. Speaker:

The committee of ways and means, whose peculiar province it is to inquire into the financial condition of the State, and to examine the offices of the Treasurer and Auditor of State, beg leave to make the following report:

In their examination of the auditor's office, they had exhibited to them the vouchers for all warrants drawn upon the treasurer during the past year; and the committee would here take occasion to remark, that in the prosecution of their labors, both in the office of the auditor and treasurer, every facility was afforded them by those gentlemanly officers. And they feel it incumbent upon them further to say, that they believe that during their terms of office their responsible and laborious duties have been performed with exceeding fidelity and ability. It became necessary for the committee, amongst their other duties, to count and destroy a large amount of various kinds of scrip which had been redeemed and cancelled at the State Treasury during the past year. The following is an abstract of the several kinds of funds destroyed, viz.:

Of six per cent. treasury notes,	$148,510 00
Interest allowed thereon,	40,632 36
	$189,142 36
Of five per cent. Bank scrip,	$100,320 00
Interest allowed thereon,	16,073 37
	$116,393 37
Of Wabash and Erie Canal scrip, west of Tippecanoe,	$191,150 00

Of Wabash and Erie Canal scrip, east of Tippecanoe,	$90,464 85
Interest allowed thereon, - - - - -	7,959 00
	$98,423 85

Making in all the sum of $530,445 85 principal, and $64,664 73 interest, and of which a more detailed statement is hereto appended, and marked A.

From an examination of the condition of the treasury, it appears that there was on hand, on the 1st of November, 1846, the sum of $589,360 68; and on the 1st day of January, 1847, the sum of $594,681 61: the items of receipts and expenditures from which said balances were struck, will be found appended hereto, and marked B and C.

The reports of the State officers have already furnished the gratifying intelligence that all warrants drawn upon the treasury during the past year have been promptly met, and the committee see no reason to doubt but that by wise and economical legislation the same pleasing state of things will continue to exist.

In the revenue bill, which has already been reported to the House, it will have been observed that the rate of taxation for State purposes is the same as last year. In fixing that rate the committee had especially in view the passage of the bill for the arrangement of the State debt; but should the surplus that will be thus derived, over and above what may be necessary to meet the ordinary expenses of the State, not be needed for that purpose, they conceive that it can be very properly applied to the redemption of the outstanding treasury notes, and thus put a stop to a heavy drain upon the treasury in the shape of interest. That some arrangement, however, will be speedily made whereby the credit of the State will be re-established, the committee entertains a confident hope; and that such is the almost universal desire of the people of the State, they have no doubt.

In making the assessment for the lunatic and deaf and dumb asylums, and for the education of the blind, the committee have acted under a resolution of the House, and have fixed the rate of taxation for each of those objects at one cent on the $100 valuation of property. And they take pleasure in saying that they fully appreciate the generous sympathy which should have dictated the increase of taxation for such benevolent objects; and they are proud to believe that so far from a murmur being excited by it among the people, they will freely and gladly meet it.

HENRY SECREST, *Chairman.*
S. H. COLMS,
JACOB ANTHONY,
W. HENDRICKS, Jr.,
M. T. CARNAHAN,
G. W. CARR.

The committee of ways and means have cancelled of the funds in the office of the State Treasurer during the session of the General Assembly beginning in December, 1846, the following amounts and descriptions, to-wit:

Six per cent. Treasury Notes.

No. of pack	*Denomination of bills.*	*Date of Issue.*	*Number of Bills in each pack.*	*Total amount of Interest on each pack.*	*Total amount of Principal.*	*Total amount of Principal and Interest.*
1	$5	April 20, 1840,	1,238	2,055 08	6,190	8,245 08
2	5	April 20, 1840,	1,298	2,154 68	6,490	8,644 68
3	5	April 20, 1840,	1,312	2,177 92	6,560	8,737 92
4	5	April 20, 1840,	1,215	2,116 90	6,075	8,191 90
5	5	April 20, 1840,	1,240	2,058 40	6,200	8,258 40
6	5	April 20, 1840,	1,249	2,073 34	6,245	8,318 34
7	5	April 20, 1840,	679	1,127 14	3,395	4,522 14
8	5	September 20, 1840,	922	1,410 66	4,610	6,020 66
9	5	September 20, 1840,	580	887 40	2,900	3,787 40
9	5	February 10, 1841,	397	563 74	1,985	2,548 74
9	5	January 1, 1842,	30	34 50	150	184 50
10	5	April 1, 1841,	241	332 58	1,205	1,537 58
10	5	May 1, 1841,	288	388 80	1,440	1,828 80
10	5	June 1, 1841,	189	251 37	945	1,196 37
10	5	July 1, 1841,	658	855 40	3,290	4,145 40
11	5	July 1, 1841,	264	343 20	1,320	1,663 20

11	5	September 1, 1841, - - - - - -	374	467 50	1,870	2,337 50
11	5	October 1, 1841, - - - - - -	292	356 24	1,460	1,816 24
11	5	November 1, 1841, - - - - - -	504	604 80	2,520	3,124 80
12	5	December 1, 1841, - - - - -	548	641 16	2,740	3,381 16
12	5	January 1, 1842, - - - - - -	470	540 50	2,350	2,890 50
13	50	April 20, 1840, - - - - - -	404	6,698 32	20,200	26,898 32
13	50	September 20, 1840, - - - - -	26	398 58	1,300	1,698 58
13	50	February 10, 1841, - - - - -	4	56 68	200	256 68
14	5	Altered from ¼ per cent., - - - - -	64	....	320	320 00
14	5	September 20, 1840, - - - - -	21	32 13	105	137 13
14	5	January 1, 1842, - - - - - -	56	64 40	280	344 40
14	5	April 20, 1840, - - - - - -	38	63 08	190	253 08
14	5	July 1, 1841, - - - - - - -	5	6 50	25	31 50
14	5	February 10, 1841, - - - - -	1	1 42	5	6 42
14	5	November 1, 1841, - - - - - -	1	1 20	5	6 20
15	5	April 20, 1840, - - - - - -	1,195	1,266 70	5,975	7,241 70
16	5	April 20, 1840, - - - - - -	1,292	1,369 52	6,460	7,829 52
17	5	April 20, 1840, - - - - - -	1,524	1,615 44	7,620	9,235 44
18	5	April 20, 1840, - - - - - -	1,278	1,354 68	6,390	7,744 68
19	5	April 20, 1840, - - - - - -	873	925 38	4,365	5,290 38
20	5	April 20, 1840, - - - - - -	856	907 36	4,280	5,187 36
21	50	April 20, 1840, - - - - - -	417	4,429 66	20,850	25,289 66
			22,043	40,632 36	148,510	189,142 36

Of Wabash and Erie Canal Scrip, West of Tippecanoe River.

No. of pack	*No. of Bills.*	*Amount of Dollars.*	*No. of Packs.*	*Number of Bills.*	*Amount of Dollars.*
1	1,069	5,345	17	1,282	6,410
2	1,244	6,220	18	1,586	7,930
3	1,328	6,640	19	1,445	7,225
4	1,252	6,260	20	1,287	6,435
5	1,241	6,205	21	1,179	5,895
6	1,741	8,705	22	1,855	9,275
7	1,084	5,420	23	277	1,385
8	1,401	7,005	24	1,135	5,675
9	1,140	5,700	25	1,073	5,365
10	1,001	5,005	26	1,078	5,390
11	1,399	6,995	27	1,200	6,000
12	1,212	6,060	29	1,300	6,500
13	922	4,610	29	1,300	6,500
14	1,269	6,345	30	1,200	6,000
15	1,137	5,685	31	1,157	5,785
16	1,436	7,180	.....	.....	.....
....	.....	.....	.....	38,230	191,150

Of Five per cent. Bank Scrip.

No. of pack	*Number of Bills.*	*Amount of Principal.*	*No. of Pack.*	*Number of Bills.*	*Amount of Principal.*
1	1,772	8,860	8	1,351	6,755 00
2	1,536	7,680	9	2,421	12,105 00
3	1,233	6,165	10	1,070	5,350 00
4	1,428	7,140	11	1,400	7,000 00
5	1,949	9,745	12	1,443	7,215 00
6	1,654	8,270	13	1,600	8,000 00
7	1,207	6,035	.....	.....	.....
....	.....	.....	.....	20,064	100,320 00
....	.....	.....	.....	.....	*16,073 37
....	.....	.....	.....	.....	116,393 37

*Amount of interest allowed on whole amount, $16,073 37.

Wabash and Erie Canal Scrip, east of Tippecanoe River.

No. of Pack.	*Number of Bills.*	*Principal.*	*Interest.*	*Principal and Interest.*
1	890	4,213 04	1,511 44	5,724 48
2	792	3,960 00	284 87	4,244 87
3	786	3,930 00	216 14	4,146 14
4	660	3,300 00	111 85	3,411 85
5	773	3,865 00	89 98	3,954 98
(A) 6	840	4,200 00	}	
(B) 6	803	4,015 00	} 563 63	8,778 63
7	498	2,490 00	187 71	2,677 71
8	897	5,071 81	336 48	5,408 29
9	1,555	7,855 00	445 33	8,300 33
10	1,453	7,445 00	625 35	8,070 35
11	1,022	5,800 00	1,506 56	7,306 56
12	1,555	8,775 00	671 85	8,446 85
13	1,684	8,420 00	577 89	8,997 89
14	3,253	16,265 00	769 14	17,034 14
15	360	1,800 00	39 00	1,839 00
16	6	60 00	21 78	81 78
.....	17,827	90,464 85	7,959 00	98,423 85

RECAPITULATION.

Kinds of Funds.	*No. of Bills.*	*Principal.*	*Interest.*	*Total Amount.*
Six per cent. Treasury Notes, - - - -	22,043	148,510 00	40,632 36	189,142 36
Five per cent. Bank Scrip, - - - -	20,064	100,320 00	16,073 37	116,393 37
Wabash and Erie Canal Scrip, west of Tippecanoe, -	38,230	191,150 00	.....	191,150 00
Wabash and Erie Canal Scrip, east of Tippecanoe, -	17,827	90,464 85	7,959 00	98,423 85
	98,164	530,444 85	64,664 73	595,109 58

JOHN M. BARCLAY,
Clerk Committee Ways and Means.

[B]

The following statements show the receipts and expenditures from November 1st, 1845, to October 31st, 1846, inclusive:

RECEIPTS AT THE TREASURY.

At the close of the last fiscal year there was remaining in the treasury, provided all warrants to that date had been paid, the sum of - - - - - -	$759,177 40
Since that date the following amounts have been received from the following sources, to-wit:	
On account of revenue of 1845, the sum of - -	261,565 45
On account of revenue of 1844, the sum of - -	29,363 86
On account of revenue of 1843, the sum of - -	1,707 13
On account of revenue of 1842, the sum of - -	755 53
On account of revenue of 1841, the sum of - -	350 63
On account of revenue of 1839, the sum of - -	118 40
On account of sales of saline lands, (principal and interest,) - - - - - - - - - -	2,012 30
On account of interest on loans of saline fund, -	1,859 20
On account of loans of saline fund refunded, -	1,073 75
On account of damages on sales of land mortgaged to saline fund, - - - - - - - - -	60 20
On account of loans of University fund refunded, -	3,047 50
On account of interest on loans of university fund,	3,705 61
On account of sales of lands of university fund, (principal,) - - - - - - - - -	2,560 21
On account of sales of lands of university fund, (interest,) - - - - - - - - -	849 11
On account of damages on sales of lands mortgaged to University fund, - - - - - - -	144 54
On account of loans of bank tax fund refunded,	745 86
On account of interest on loans of bank tax fund, -	571 53
On account of interest on loans of surplus revenue fund, - - - - - - - - -	496 87
On account of loans of surplus revenue fund refunded,	340 00
On account of damages on sales of lands mortgaged to surplus revenue fund, - - - - - -	48 90
On account of damages on sales of lands mortgaged to bank tax fund - - - - - - -	18 60
On account of costs of advertising saline fund refunded, - - - - - - - - - -	4 00
On account of costs of advertising university fund refunded, - - - - - - - - -	24 00
On account of costs of advertising bank tax fund refunded, - - - - - - - - -	4 00

On account of costs of advertising surplus revenue fund refunded,	5 75
On account of costs of advertising Congressional township fund refunded,	2 00
On account of estates without known heirs,	105 00
On account of loans of treasury fund refunded,	67 31
On account of interest on loans of treasury fund,	35 99
On account of loans of Congressional township fund refunded,	6 50
On account of interest on loans of Congressional township fund,	86 45
On account of sales of Wabash and Erie canal lands east of Tippecanoe, (principal,)	82,896 15
On account of sales of Wabash and Erie canal lands east of Tippecanoe, (interest,)	19,271 91
On account of scrip issued for Wabash and Erie canal east of Tippecanoe,	35,000 00
On account of tolls on Wabash and Erie canal east of Tippecanoe,	59,989 05
On account of water-rents on the Wabash and Erie canal east of Tippecanoe,	2,028 00
On account of sales of Wabash and Erie canal lands west of Tippecanoe,	87,605 00
On account of scrip issued for the Wabash and Erie canal west of Tippecanoe,	50,000 00
On account of water rents on northern division of central canal,	2,933 30
On account of Dillon's History of Indiana,	2 00
On account of the Lawrenceburgh and Indianapolis Railroad Company,	38,000 87
On account of suspended debt,	49,278 38
On account of tolls on New Albany and Vincennes road,	1,459 64
On account of Revised Statutes,	296 85
On account of Michigan road lands,	100 40
On account of bank tax fund from the State Bank,	20,928 67
On account of damages on sales of land mortgaged to Congressional township fund,	11 87
On account of interest on loans of Indianapolis fund,	72 00
On account of Tippecanoe Battle Ground Monument,	25 22
On account of interest on bank loan refunded,	135 00
On account of interest on scrip hypothecated with bank,	11,868,74
On account of State House expenses refunded,	127 35
On account of common school fund derived from sinking fund,	100,687 65

Total receipts from November 1, 1845, to October 31, 1846, (including balance on hand November 1, 1845,) - - - - - - - - - -	1,633,638 63

EXPENDITURES.

Amount audited on account of probate judges, -	$4,919 00
Amount audited on account of loans of university fund, - - - - - - - - - -	5,240 00
Amount audited on account of damage on sales of lands mortgaged to university fund, - - -	135 11
Amount audited on account of saline fund distributed,	6,203 70
Amount audited on account of bank tax fund distributed, - - - - - - - - -	13,111 55
Amount audited on account of surplus revenue fund distributed, - - - - - - - - -	362 99
Amount audited on account of damages on sales of lands mortgaged to surplus revenue fund, - -	48 90
Amount audited on account of State Prison, - -	2,188 11
Amount audited on account of three per cent. fund distributed, - - - - - - - - -	1,641 52
Amount audited on account of salaries of judges of supreme and circuit courts, - - - - -	15,045 22
Amount audited on account of State House, - -	568 32
Amount audited on account of specific appropriations,	6,228 95
Amount audited on account of public printing and binding laws, - - - - - - - - -	4,904 90
Amount audited on account of prosecuting attorneys,	1,818 83
Amount audited on account of legislature, - -	27,275 90
Amount audited on account of damages on sales of lands mortgaged to bank tax fund, - - -	18 60
Amount audited on account of State Library, -	438 55
Amount audited on account of salaries of President and Professors of State University, - - -	5,050 00
Amount audited on account of salaries of Adjutant and Quarter Master Generals, - - - -	200 00
Amount audited on account of stationery and fuel,	2,111 69
Amount audited on account of salaries of executive officers, - - - - - - - - -	2,000 00
Amount audited on account of revenue of 1839 refunded, - - - - - - - - -	1 25
Amount audited on account of revenue of 1840 refunded, - - - - - - - - -	6 48
Amount audited on account of revenue of 1841 refunded, - - - - - - - - -	60 90
Amount audited on account of revenue of 1843 refunded, - - - - - - - - -	61 53

Amount audited on account of revenue of 1844 refunded,	5 92
Amount audited on account of revenue of 1845 refunded,	10 00
Amount audited on account of costs of advertising sales of lands mortgaged to saline fund,	21 00
Amount audited on account of costs of advertising sales of lands mortgaged to university fund,	65 25
Amount audited on account of costs of advertising sales of lands mortgaged to bank tax fund,	11 25
Amount audited on account of costs of advertising sales of lands mortgaged to surplus revenue fund,	5 25
Amount auditted on account of expenses of university fund,	60 33
Amount audited on account of Congressional township fund distributed,	125 42
Amount audited on account of new State Prison,	2,400 00
Amount audited on account of construction of Wabash and Erie canal east of Tippecanoe,	71,136 67
Amount audited on account of repairs on Wabash and Erie canal east of Tippecanoe,	87,339 68
Amount audited on account of incidental expenses on Wabash and Erie Canal east of Tippecanoe,	5,511 30
Amount audited on account of damages on Wabash and Erie Canal east of Tippecanoe,	1,042 14
Amount audited on account of interest refunded on Wabash and Erie Canal east of Tippecanoe, and miscellaneous expenditures,	1,153 56
Amount audited on account of Wabash and Erie Canal scrip east of Tippecanoe, redeemed and cancelled,	90,537 92
Amount audited on account of interest on Wabash and Erie Canal scrip east of Tippecanoe, redeemed and cancelled,	4,999 54
Amount audited on account of construction of Wabash and Erie Canal west of Tippecanoe,	25,163 25
Amount audited on account of repairs on Wabash and Erie Canal west of Tippecanoe,	31,478 31
Amount audited on account of incidental expenses of Wabash and Erie Canal west of Tippecanoe,	8,364 33
Amount audited on account of Wabash and Erie Canal scrip west of Tippecanoe, redeemed and cancelled,	259,415 00
Amount audited on account of incidental expenses of treasury notes,	134 36
Amount audited on account of expenses of Saline fund,	6 00

Amount audited on account of expenses of Congressional township fund,	9 68
Amount audited on account of damages on sales of lands mortgaged to Saline fund,	60 20
Amount audited on account of construction of Central Canal, northern division,	301 67
Amount audited on account of repairs on Central Canal, northern division,	1,990 08
Amount audited on account of incidental expenses of Central Canal, northern division,	700 00
Amount audited on account of Lawrenceburgh and Indianapolis Railroad,	4 00
Amount audited on account of payments by State agent under joint resolutions,	3,470 41
Amount audited on account of Contingent fund,	319 73
Amount audited on account of Presidential Electors,	32 90
Amount audited on account of five per cent. treasury notes redeemed and cancelled,	76,590 00
Amount audited on account of interest on five per cent. treasury notes redeemed and cancelled,	10,229 31
Amount audited on account of suspended debt,	2,069 74
Amount audited on account of six per cent. treasury notes redeemed and cancelled,	147,370 00
Amount audited on account of interest on six per cent. treasury notes redeemed and cancelled,	36,204 00
Amount audited on account of State bonds redeemed and cancelled,	42,000 00
Amount audited on account of interest on State bonds redeemed and cancelled,	4,750 00
Amount audited on account of incidental expenses of State agent,	2,487 45
Amount audited on account of construction of New Albany and Vincennes road,	200 00
Amount audited on account of repairs on New Albany and Vincennes road,	902 17
Amount audited on account of incidental expenses on New Albany and Vincennes road,	357 47
Amount audited on account of Governor's circle,	54 27
Amount audited on account of distribution of laws and journals,	439 61
Amount audited on account of Michigan road lands,	150 00
Amount audited on account of damages on sales of lands mortgaged to Congressional township fund,	11 87
Amount audited on account of Indianapolis fund refunded,	367 50
Amount audited on account of incidental expenses of Wabash and Erie Canal,	8,058 18

Amount audited on account of damages on Jeffersonville and Crawfordsville road,	2,238 65
Amount audited on account of the education of the blind,	474 87
Amount audited on account of expenses of Indianapolis fund,	5 00
Amount audited on account of the Lunatic Asylum,	13,148 22
Amount audited on account of transporting and preserving the public arms,	591 81
Total amount audited from November 1st, 1845, to October 31st, 1846, both days included,	$1,044,277 95
Total Receipts from November 1, 1845, to October 31, 1846,	$1,633,638 63
Total Expenditures during same period,	1,044,277 95
Balance in the Treasury on the 1st day of November, 1846, provided all warrants issued prior to that date, had then been redeemed,	$589,360 68

RECEIPTS FROM NOVEMBER 1, 1846, TO JANUARY 1, 1847.

Amount received on account of interest on loans of University Fund,	$853 67
Amount received on account of loans of Bank tax fund refunded,	110 00
Amount received on account of costs of advertising sales of land mortgaged to University fund,	22 00
Amount received on account of interest on loans of Saline fund,	500 52
Amount received on account of damages on sales of lands mortgaged to University fund,	81 25
Amount received on account of interest on loans of Bank tax fund,	162 75
Amount received on account of costs of advertising sales of lands mortgaged to Saline fund,	10 00
Amount received on account of common school fund,	15,694 92
Amount received on account of costs of advertising sales of lands mortgaged to Bank tax fund,	4 00
Amount received on account of interest on loans of surplus revenue fund,	222 61
Amount received on account of damages on sales of lands mortgaged to surplus revenue fund,	70 55

Amount received on account of costs of advertising sales of lands mortgaged to surplus revenue fund,	4 00
Amount received on account of interest on loans of Indianapolis fund,	16 19
Amount received on account of costs of advertising sales of lands mortgaged to Indianapolis fund,	2 00
Amount received on account of revenue of 1846,	13,743 84
Amount received on account of loans of university fund refunded,	509 94
Amount received on account of loans of saline fund refunded,	449 72
Amount received on account of damages on sales of lands mortgaged to saline fund,	20 00
Amount received on account of revenue of 1839,	28 93
Amount received on account of principal of sales of university fund lands,	388 32
Amount received on account of interest on sales of university fund lands,	584 20
Amount received on account of tolls on New Albany and Vincennes road,	3,772 28
Amount received on account of water rents on Wabash and Erie canal east,	125 00
Amount received on account of Lawrenceburgh and Indianapolis railroad company,	13,934 91
Amount received on account of loans of congressional township fund refunded,	43 50
Amount received on account of sales of Wabash and Erie canal lands west,	56,529 82
Amount received on account of revenue of 1845,	482 20
Amount received on account of revenue of 1843,	669 32
Amount received on account of tolls on Wabash and Erie canal east,	897 37
Total receipts from November 1st, 1846, to January 1st, 1847,	$109,933 81

EXPENDITURES FROM NOVEMBER 1, 1846, TO JANUARY 1, 1847.

Amount audited on account of prosecuting attorneys,	$442 75
Amount audited on account of State Prison,	264 25
Amount audited on account of Bank tax fund distributed,	426 91
Amount audited on account of saline fund distributed,	149 16
Amount audited on account of salaries of adjutant and quartermaster generals,	25 00

Amount audited on account of loans of university fund,	975 00
Amount audited on account of suspended debt,	1,160 74
Amount audited on account of payments under joint resolutions,	796 79
Amount audited on account of incidental expenses of State agent,	2,860 84
Amount audited on account of specific appropriations,	392 55
Amount audited on account of revenue of 1845 refunded,	4 97
Amount audited on account of probate judges,	333 00
Amount audited on account of judiciary,	1,100 00
Amount audited on account of expenses of Indianapolis fund,	675 00
Amount audited on account of revenue of 1842 refunded,	11 08
Amount audited on account of Legislature,	12 00
Amount audited on account of construction of New Albany and Vincennes road,	362 63
Amount audited on account of incidental expenses of New Albany and Vincennes road,	1,671 86
Amount audited on account of repairs on New Albany and Vincennes road,	1,737 79
Amount audited on account of damages on cross-cut canal,	158 06
Amount audited on account of repairs on Wabash and Erie canal west,	27,330 77
Amount audited on account of incidental expenses on Wabash and Erie canal west,	2,857 76
Amount audited on account of penalties refunded on Wabash and Erie canal west,	378 09
Amount audited on account of repairs on Wabash and Erie canal east,	47,188 81
Amount audited on account of damages on Wabash and Erie canal east,	1,332 00
Amount audited on account of incidental expenses on Wabash and Erie canal east,	3,634 23
Amount audited on account of expenses of university fund,	3 00
Amount audited on account of deaf and dumb asylum,	8,327 84
Total amount audited from November 1st, 1846, to January 1st, 1847,	$104,612 88
Balance in the treasury, November 1st, 1846,	$589,360 68

Add receipts from November 1st, 1846, to January 1st, 1847, - - - - - - - - - -	109,933 81
Total, - - - -	$699,294 49
Deduct expenditures from November 1st, 1846, to January 1st, 1847, - - - - - - - -	104,612 88
Balance in the treasury, January 1st, 1847, provided all warrants to that date have been paid, - -	$594,681 61

ORDERS OF THE DAY.

Senate Bills.

No 222. An act to amend "An act to establish a free turnpike road in Jay county," approved January 13, 1846.

No. 224. An act providing for the publication of certain laws therein named.

No. 265. An act regulating the granting of licenses in the county of Grant.

No. 288. An act for the relief of Daniel Dayhuff.

No. 264. A bill authorizing the sale of certain real estate therein named.

Were each severally read a third time, and passed.

Ordered, That the clerk inform the Senate thereof.

Bill of the House,

No. 495. An act for the relief of the White Water Valley Canal Company;

Was read a second time; when,

Mr. Wolfe moved to indefinitely postpone the bill;

Pending which,

On motion by Mr. Meredith,

Said bill was laid on the table.

Mr. Edwards asked leave to take from the files a petition from a citizen of Vigo county for a divorce;

Which was granted.

Bill of the House,

No. 506. A bill to authorize the State to take stock in the Michigan road company;

Was read a second time, and

Laid on the table.

The following message was received from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representa-

tives that the Senate have passed engrossed bills of the House, as follows:

No. 298. An act more fully to explain the 54th section, chapter 16, of the Revised Code of 1843;

No. 331. An act to incorporate the Covington Drawbridge Company;

No. 354. An act authorizing the Governor to contract for the completion of the State Prison, and for other purposes;

No. 358. An act to quiet the titles in Clark's grant;

No. 369. An act to amend an act entitled "An act to incorporate the New Albany and Corydon turnpike company," approved January 20, 1846;

No. 374. An act declaring Little Blue river a public highway in Rush county;

No. 378. An act to legalize an act of the board of county commissioners of Elkhart county;

No. 379. An act for the relief of Michael McCall;

No. 385. An act to amend the act incorporating the town of Connersville, in the county of Fayette, approved February 15, 1841;

No. 387. An act to amend an act entitled "An act for the relief of the securities of William H. Darnall, late school commissioner of Hendricks county," approved January 19, 1846;

No. 388. An act authorizing the county commissioners of Noble county to make an allowance to the treasurer of said county for collecting tax receipts;

No. 390. An act to repeal an act entitled "An act to regulate the attendance of grand and petit jurors in the 5th judicial circuit," so far as the same relates to the counties of Hendricks, Hamilton, and Hancock;

No. 394. An act authorizing the trustees of school district No. 5, in township 37, range 3 east, in St. Joseph county, to levy a tax to build a school house;

No. 397. An act to change the name of Ann Amanda Woodward;

No. 398. An act to authorize Michael English to build a mill dam across the Salamania river, in Wabash county;

No. 400. An act relative to the seminary fund in Laporte county;

No. 401. An act to authorize the auditor of Harrison county to make a deed therein named;

No. 412. An act to locate a State road in Hamilton county;

No. 413. An act to provide for the survey and location of a State road in the county of St. Joseph;

No. 416. An act for the relief of James Boyer of Clark county;

No. 418. An act to establish public highways in the county of Boone;

No. 419. An act to change the name of the town of New York, in Switzerland county, State of Indiana;

No. 424. An act to establish a free turnpike road in the counties of Allen, Whitley, Kosciusko, and Marshall;

No. 426. An act to to provide for the election of an additional justice of the peace in Jackson township, Wayne county, Indiana;

No. 429. An act changing the time of holding probate courts in Jefferson county;

No. 430. An act to provide for the settlement of the accounts of commissioners heretofore appointed to expend a portion of the three per cent. fund in Orange county;

No. 447. An act to incorporate the town of Williamsburgh, in Wayne county;

No. 453. An act making an appropriation to J. R. Pratt & Co., for the erection of the new State Prison;

No. 474. An act to legalize the election for mayor and common council of the town of Delphi;

No. 469. An act for the relief of the treasurer of Johnson county;

No. 468. An act to constitute Carlisle and vicinity a road district;

No. 463. An act for the relief of Andrew Wilson;

No. 480. An act to vacate a part of the town of Milford, in Kosciusko county;

No. 482. An act to authorize the clerk of the circuit and probate courts of Lawrence county to use new seals;

No. 484. An act authorizing suits to be commenced in the Knox circuit court, in certain cases;

No. 496. An act to repeal a part of section 38, chapter 47, article 4, of the Revised Statutes of 1843, so far as St. Joseph county is concerned, and for other purposes;

Also joint resolutions of the House,

No. 386. A joint resolution in relation to granting lands to Mr. Whitney to enable him to construct a railroad from Lake Michigan to the Pacific Ocean;

No. 472. A joint resolution in relation to the Buffalo and Mississippi railroad;

All without amendment.

The Senate has also passed engrossed bill of the House,

No. 238. An act to amend the turnpike road charter from Cambridge City to Muncietown, approved January 11, 1846;

With one amendment, in which the concurrence of the House is respectfully requested.

The Senate has also passed an engrossed joint resolution thereof,

No. 277. A joint resolution in relation to the irregularities of the mails;

In which the concurrence of the House of Representatives is respectfully requested.

The amendment to bill No. 238, in said message mentioned, was concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

No. 277, in said message mentioned,

Was read a first time and ordered to a second reading.

Mr. Harvey made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred a bill No. 389, of the House, "for the relief of John Zulauf," have had the same under consideration, and direct me to report the same back, and recommend its passage.

Said bill was read a second and third times—the rules being suspended—and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Harvey made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred bill of the House No. 428, entitled "An act to explain and carry into effect the provisions of the seventeenth section of chapter fifty-four of the Revised Statutes of 1843," have had the same under consideration, and have directed me to report the same back to the House, and recommend its indefinite postponement; and said committee ask to be discharged from the further consideration of the subject.

Which was concurred in, and

Said bill was indefinitely postponed.

On motion by Mr. Holman,

No. 88. An act fixing the salary of the auditor of Miami county,

Was taken from the table, and read a second time.

On motion by Mr. Holman,

Three hundred dollars was struck out from said bill and $400 inserted in lieu thereof.

Said bill was then read a third time—the rules being suspended—and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Tait made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared the following engrossed with the enrolled bill of the House of Representatives, to-wit:

No. 379. An act for the relief of Michael McCall,

And have found the same correctly enrolled.

Whereupon the speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

Mr. Meredith made the following report:

Mr. Speaker:

The committee on roads to whom was referred the petition of E. P. Cormack and others, of Owen county, praying the appropriation of money to rebuild a bridge over Eel river, in Owen county, have had the same under consideration, and a majority of the committee direct me to report a bill, and recommend its passage; and the committee ask to be discharged from further consideration of the subject.

No. 512. A bill to provide for the rebuilding of a bridge in Owen county.

Was read a first time, and rejected by the House.

On motion by Mr. Griffis,

No. 431. An act regulating the sale of ardent spirits in Randolph county,

Was taken from the table, read a second and third times—the rules being suspended—and passed.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Berry of Franklin, a Senator:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed an engrossed bill of the House,

No. 11. Entitled "A bill relative to loaning school funds,"

With an amendment, in which the concurrence of the House of Representatives is respectfully requested.

The amendment to said bill was concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

Mr. Hamilton asked leave to withdraw from the files,

No. 292. A bill to change the mode of obtaining a license to retail spirituous liquors in Decatur county.

Which was granted.

Mr. Noel moved to take from the table bill of the House,

No. 144. A bill to change the execution laws.

On which motion,

Messrs. Cravens and Hanna demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Brown, Battell, Carr of Lawrence, Clark, Colms, Cravens, Deam, Decker, Dobson, Dowling, Edwards, Gilleece, Green, Hatfield, Holman, Hostetter, Huff, Hull, Jenison, Johnson, Jones of Blackford, Kerr, Moore, Noel, Osborn, Palmer, Parker, Porter, Secrest, Smiley, Stewart of Laporte, Suit, Tait, Thomas, Thompson, Trimble, Wilson, Wolfe, Yaryan, and Mr. Speaker—40.

Those who voted in the negative are,

Messrs. Anthony, Balding, Fuller, Griffis, Hall of Posey, Hanna, Harding, Harvey, Hendricks, Hill, Holland, Hunt, Jones, Mason, May, Meredith, Powell, Summers, Tackett, Tebbs, Watts, Wiley, Woodruff, and Young—24.

There being no quorum voting,

Mr. Cravens moved a call of the House,

Which was seconded.

Messrs. Addleman, Cassatt, Lewis, Monk, Arnold, Shields, Fry, and Huffstetter, were excused from attendance.

The further call was then suspended.

Mr. Carnan moved a new count on the question of taking said bill from the table.

On this motion,

Messrs. Trimble and Powell demanded the ayes and noes,

Those who voted in the affirmative are,

Messrs. Brown, Battell, Carr of Lawrence, Carnahan, Cravens, Deam, Decker, Dole, Dowling, Dunham, Edwards, Gilleece, Green, Hendricks, Holman, Huddleston, Hull, Johnson, Jones of Blackford, Kerr, Moore, Noel, Osborn, Palmer, Secrest, Sleeth, Stewart of Laporte, Tait, Thomas, Thompson, Trimble, Wilson, Wolfe, and Yaryan—34.

Those who voted in the negative are,

Messrs. Anthony, Balding, Carr of Clark, Clark, Colms, Dobson, Fuller, Ferguson, Griffis, Hall of Posey, Hall of Warren, Hanna, Harding, Harvey, Hicks, Hill, Holland, Hostetter, Huff, Hunt, Jenison, Jones of Greene, Lemmonds, Logan, Mason, May, Meredith, Miller, Neal, Nofsinger, Parker, Parks, Porter, Powell, Smiley, Stewart of Fayette, Suit, Summers, Tackett, Tebbs, Watts, Wiley, Wise, and Young—44.

So said motion did not prevail.

A message from the Senate, by Mr. Jones, their secretary.

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed engrossed bills of the House,

No. 346. To incorporate the city of Indianapolis.

No. 455. To abolish the office of school commissioner in Sullivan county.

Each with sundry amendments, in which the concurrence of the House is respectfully requested.

The amendments to No. 455, in said message mentioned,
Were concurred in with an amendment by striking out "Knox" wherever it occurs in said bill.
Ordered, That the clerk inform the Senate thereof.
Also, the following message, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill thereof:
No. 280. A bill to provide for the construction of a railroad to intersect the Shelbyville railroad.
In which the concurrence of the House of Representatives is respectfully requested.

Said bill was read three several times, the rules being suspended, and passed.
Ordered, That the clerk inform the Senate thereof.
On motion by Mr. Porter,
The vote taken on concurring in the amendments made by the Senate to House bill,
No. 238. An act to amend the turnpike road charter from Cambridge City to Muncietown, approved January 11, 1845,
Was reconsidered; and,
On motion by Mr. Porter,
The House refused to concur in said amendments.
Ordered, That the clerk inform the Senate thereof.
Mr. Carnan, on leave, introduced
No. 514. A bill amendatory of the execution laws;
Which was read a first and second times, the rules being suspended, when,
Mr. Summers moved to indefinitely postpone the bill.
Which motion did not prevail.
Mr. Wolfe moved to amend by exempting all farming utensils and articles of husbandry.
Pending which,
On motion by Mr. Miller,
Said bill was laid on the table.
A message from the Senate, by Mr. Akin, an assistant secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill of the House, without amendment:
No. 436. An act for the relief of the sufferers by the late floods.

The following message was received from the Governor, by Mr. Hanna, his private secretary:

Mr. Speaker:

I am directed by the Governor to inform the House of Representatives, that he did, on the 23d instant, approve and sign the following bills:

No. 309. An act amendatory to the 30th chapter of the Revised Statutes of 1843.

No. 136. An act exempting improvements on real estate from taxation in the counties of Kosciusko and Miami;

No. 115. An act to locate a State road in the counties of Grant and Howard;

No. 272. An act to amend the provisions of the 37th chapter of the Revised Code;

No. 446. An act to legalize certain proceedings in Tippecanoe county;

No. 253. An act to vacate certain alleys in the town of Greencastle, Putnam county;

No. 243. An act to authorize the receiving of road tax separate from other tax or taxes;

No. 181. An act for the protection of the property of married women;

No. 433. An act to amend an act entitled "An act to provide for the continuance of the construction of all, or any part of the public works of this State by private companies, and for abolishing the board of internal improvements, and the offices of fund commissioner and chief engineer, approved January 28, 1842;

No. 266. An act to improve the Michigan road in Carroll county;

No. 288. An act to relocate a State road from Rushville in Rush county, to Laurel, in Franklin county;

No. 359. An act to establish an additional election precinct in Deer Creek township, Perry county, and for other purposes;

No. 156. An act in relation to the common school fund in the county of Jackson;

No. 280. An act to legalize the acts of Robert Leffler, as school commissioner of Harrison county;

No. 278. An act in relation to roads and highways in Lagrange county;

No. 301. An act to repeal an act in relation to road tax in the town of Laporte;

No. 167. An act to locate a State road in the counties of Howard and Carroll;

No. 357. A joint resolution in regard to the hospital for the insane;

No. 38. An act defining the mode of publishing the delinquent tax lists in the several counties in this State;

No. 364. An act to provide for an additional place of holding elections in Clark county;

No. 135. An act authorizing the collection of certain taxes therein named;

No. 269. An act to amend an act entitled, "an act to provide for the opening and repairing of public roads and highways in the counties of Gibson and Pike;

No. 312. An act to fix the time of holding courts in the eighth judicial circuit;

No. 311. An act to amend an act entitled "an act relative to overseers of the poor," approved January 15, 1844;

No. 246. An act to authorize writs of *ne exeat;*

No. 49. An act to authorize the executors of Jacob Sinks, late of Wayne county, deceased, to sell certain real estate;

No. 205. An act for the improvement of the river Patoka, in Gibson county;

No. 320. An act to regulate and change the time of holding courts in the fourth judicial circuit, and to authorize special chancery courts to be held therein;

No. 129. An act declaring a certain act therein named to be in force;

No. 284. An act to provide for the further erection of the hospital for the insane, and for other purposes connected therewith;

No. 196. An act to authorize Jonathan W. Elliott to use the water power at the Mount Pleasant mills, in Noble county;

No. 215. An act to amend an act entitled, "an act granting to the citizens of Madison and the town of Lawrenceburgh, a city charter," and also all acts amendatory thereto;

No. 241. An act to amend an act entitled "An act to incorporate the town of Columbus, in Bartholomew county, Indiana," approved February 6, 1839;

No. 15. An act to amend an act entitled "An act fixing the time of holding the courts in the ninth judicial circuit, approved January 19, 1846;

All of which originated in the House of Representatives.

Approved January 19, 1846.

I am also in like manner directed to transmit to the House of Representatives, bill No. 321, entitled, "An act authorizing the canal commissioners to credit and receipt for moneys heretofore paid by purchasers of Wabash and Erie canal lands;" with his reasons for withholding his approval of the same.

Mr. Holman, on leave, offered the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the apportionment law of this State as to reduce the number of the members of the House of Rep-

resentatives to fifty, and of the Senate to twenty-five, the minimum constitutional requirement, with leave to report by bill or otherwise.

Which was,

On motion by Mr. Harvey,

Laid on the table.

On motion by Mr. Harvey,

The House adjourned until 2 o'clock, P. M.

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2 o'clock, P. M.

The House met.

The following message was received from the Senate, by Mr. Jones, their secretary.

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate have passed engrossed bill of the House,

No. 353. Supplementary to "An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," approved January 19, 1846.

With sundry amendments, in which the concurrence of the House of Representatives is respectfully requested.

The amendments to said bill were read, when

Mr. Secrest moved to concur generally with the following amendments:

Sixth amendment to section 10, add after the word "certificates," where it last occurs, as follows: "At any time after twenty years after the passage of this act, and after the repayment of said advances as herein provided."

Sixteenth amendment; "refuse to concur in all that part relative to the Central Canal."

Fifth amendment, insert "July" in the last line of the 5th amendment in the place of "June."

Mr. Thompson moved to amend by adding further:

"That we refuse to concur in that amendment of the Senate which strikes out that part of the bill relative to electing a trustee this session."

Mr. Miller moved that the amendment to the amendment, as offerek by Mr. Thompson, be laid upon the table.

On this motion,

Messrs. Powell and Thompson demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Crookshank, Dobson, Dole, Dowling, Dunham, Edwards, Fuller, Gilleece, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Harvey, Hatfield, Hicks, Hill, Huffstetter, Johnson, Jones of Greene, Kerr, Lemmonds, Logan, Mason, May, Meredith, Miller, Moore, Nofsinger, Osborn, Palmer, Parks, Porter, Secrest, Sleeth, Smiley, Stewart of Laporte, Tackett, Tebbs, Wilson, Wise, Wolfe, Woodruff, Young, and Mr. Speaker—50.

Those who voted in the negative are,

Messrs. Brown, Balding, Colms, Cravens, Deam, Decker, Ferguson, Griffis, Hamilton, Hendricks, Holland, Huddleston, Huff, Hull, Hunt, Jenison, Jones of Blackford, M'Cormack, Noel, Parker, Powell, Stewart of Fayette, Suit, Summers, Tait, Thomas, Thompson, Trimble, Watts, Wiley, and Yaryan—31.

So said amendment was laid on the table.

Mr. Cravens called for a division of the question, so as to take the vote on concurring generally — that is to say, without amendment.

The Chair decided that a division of the question could not be called for.

From which decision Mr. Cravens took an appeal.

The question then being,

"Shall the decision of the Chair be the judgment of the House?"

Messrs. Cravens and Secrest demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Brown, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Crookshank, Dobson, Dole, Dowling, Dunham, Edwards, Fuller, Gordon, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Harvey, Hatfield, Hendricks, Hicks, Hill, Holland, Hostetter, Huff, Hunt, Jones of Greene, Kerr, Lemmonds, Logan, Mason, May, Meredith, Miller, Moore, Nofsinger, Osborn, Parker, Parks, Porter, Secrest, Sleeth, Smiley, Stewart of Fayette, Stewart of Laporte, Tackett, Tebbs, Thompson, Wilson, Wolfe, and Woodruff—55.

Those who voted in the negative are,

Messrs. Colms, Cravens, Deam, Decker, Gilleece, Griffis, Hamilton, Holman, Huddleston, Hull, Jenison, Johnson, Jones of Blackford, McCormack, Noel, Palmer, Suit, Summers, Thomas, Trimble, Watts, Wiley, Wise, Yaryan, and Young—25.

So the decision of the Chair was sustained.
The question then recurring on the motion of Mr. Secrest,
Mr. Palmer moved to lay the same on the table.
On this motion,
Messrs. Palmer and Huddleston demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Brown, Balding, Colms, Cravens, Deam, Decker, Ferguson, Gilleece, Griffis, Hamilton, Holman, Huddleston, Jenison, Johnson, Jones of Blackford, McCormack, Noel, Palmer, Porter, Powell, Sleeth, Suit, Summers, Tait, Thomas, Thompson, Trimble, Watts, Wiley, Wilson, Wise, Yaryan, and Young—33.

Those who voted in the negative are,

Messrs. Battell, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Crookshank, Dobson, Dole, Dowling, Edwards, Fuller, Gordon, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Harvey, Hatfield, Hendricks, Hicks, Hill, Holland, Hostetter, Hull, Huff, Hunt, Jones of Greene, Kerr, Lemmonds, Logan, Mason, May, Meredith, Miller, Moore, Nofsinger, Osborn, Parker, Parks, Secrest, Smiley, Stewart of Fayette, Stewart of Laporte, Tackett, Tebbs, Wolfe, Woodruff, and Mr. Speaker—49.

So said motion did not prevail.
The question then recurring on the motion of Mr. Secrest,
Mr. Dunham moved to amend by excepting the 4th amendment of the Senate from the provisions of the bill.
Mr. Secrest moved to lay the amendment on the table.
On this motion,
Messrs. Secrest and Dunham demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Brown, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Crookshank, Dobson, Dole, Dowling, Edwards, Fuller, Gordon, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Harvey, Hatfield, Hendricks, Hill, Holland, Hostetter, Huff, Hull, Hunt, Jenison, Jones of Greene, Kerr, Lemmonds, Logan, Mason, May, Meredith, Miller, Moore, Nofsinger, Osborn, Parker, Parks, Porter, Secrest, Smiley, Stewart of Laporte, Tackett, Tebbs, Thompson, Wilson, Wolfe, and Mr. Speaker—50.

Those who voted in the negative are,

Messrs. Anthony, Colms, Cravens, Deam, Decker, Dunham, Ferguson, Gilleece, Griffis, Hamilton, Hicks, Holman, Huddleston, Johnson, Jones of Blackford, McCormack, Palmer, Powell, Suit, Sum-

mers, Tait, Thomas, Trimble, Watts, Wiley, Wise, Woodruff, Yaryan, and Young—30.

So said motion prevailed.
The question then recurring on the motion of Mr. Secrest,
Mr. Palmer moved the House do now adjourn.
On this motion,
Messrs. Palmer and Huddleston demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Balding, Colms, Cravens, Deam, Decker, Gilleece, Hamilton, Hatfield, Holman, Huddleston, Jenison, Johnson, Jones of Blackford, Mason, Palmer, Sleeth, Suit, Summers, Tait, Thomas, Trimble, Watts, Wiley, Wilson, Wise, and Yaryan—26.

Those who voted in the negative are,

Messrs. Anthony, Brown, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Crookshank, Dobson, Dole, Dowling, Dunham, Edwards, Ferguson, Fuller, Gordon, Griffis, Green, Hall of Warren, Hall of Posey, Hanna, Harding, Harvey, Hendricks, Hicks, Hill, Holland, Huff, Hull, Hunt, Jones of Greene, Kerr, Lemmonds, Logan, May, McCormack, Meredith, Miller, Moore, Noel, Nofsinger, Osborn, Parker, Parks, Porter, Secrest, Smiley, Stewart of Fayette, Stewart Laporte, Tackett, Tebbs, Thompson, Wolfe, Woodruff, and Mr. Speaker—55.

So said motion did not prevail.
The question then recurring on the motion of Mr. Secrest,
Mr. Trimble moved the House do now adjourn.
On this motion,
Messrs. Stewart of Fayette and Dole demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Balding, Cravens, Deam, Gilleece, Griffis, Hamilton, Holman, Huddleston, Hunt, Jenison, Johnson, Jones of Blackford, Palmer, Powell, Sleeth, Suit, Summers, Tait, Thomas, Trimble, Watts, Wise, and Young—23.

Those who voted in the negative are,

Messrs. Anthony, Brown, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Crookshank, Dobson, Dole, Dowling, Dunham, Edwards, Ferguson, Fuller, Gordon, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Harvey, Hatfield, Hendricks, Hicks, Hill, Holland, Hostetter, Huff, Hull, Jones of Greene, Kerr, Lemmonds, Logan, Mason, May, McCormack, Meredith, Miller, Moore, Noel, Nof-

singer, Osborn, Parker, Parks, Porter, Secrest, Smiley, Stewart of Fayette, Stewart of Laporte, Tackett, Tebbs, Thompson, Wolfe, Woodruff, Yaryan, and Mr. Speaker—59.

So the House did not adjourn.

Mr. Cravens moved to amend Mr. Secrest's amendments as follows:

"Strike out the *proviso* purporting any further arrangements with our bondholders."

2. "Strike out all that part relating to the re-appraisement of lands for canal purposes."

Mr. Miller moved to lay the amendments on the table.

On this motion,

Messrs. Cravens and Miller demanded the ayes and noes,

Those who voted in the affirmative are,

Messrs. Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Crookshank, Dobson, Dole, Dowling, Edwards, Fuller, Gordon, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Harvey, Hendricks, Hill, Holland, Hostetter, Huff, Jones of Greene, Kerr, Lemmonds, Logan, May, Meredith, Miller, Moore, Noel, Nofsinger, Osborn, Palmer, Parker, Parks, Porter, Secrest, Sleeth, Smiley, Stewart of Laporte, Tackett, Tebbs, Thompson, Wolfe, Woodruff, and Mr. Speaker—49.

Those who voted in the negative are,

Messrs. Brown, Cravens, Deam, Decker, Ferguson, Gilleece, Griffis, Hamilton, Hatfield, Hicks, Huddleston, Hull, Johnson, Jones of Blackford, McCormack, Powell, Stewart of Fayette, Suit, Summers, Tait, Thomas, Trimble, Watts, Wiley, Wise, Yaryan, and Young—27.

So said amendment was laid upon the table.

The question then recurring on the motion of Mr. Secrest,

Mr. Hamilton moved the House adjourn.

On this motion,

Messrs. Hamilton and Huddleston demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Balding, Griffis, Hamilton, Huddleston, Jenison, Johnson, Palmer, Powell, Sleeth, Suit, Summers, Tait, Thomas, Trimble, Watts, Wiley, Wilson, Wise, and Young—18.

Those who voted in the negative are,

Messrs. Anthony, Brown, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Crookshank, Decker, Dobson, Dole, Dowling,

Dunham, Edwards, Ferguson, Fuller, Gordon, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Harvey, Hatfield, Hendricks, Hicks, Hill, Holland, Hostetter, Huff, Hull, Hunt, Jones of Greene, Kerr, Lemmonds, Logan, Mason, May, McCormack, Meredith, Miller, Moore, Noel, Nofsinger, Osborn, Parker, Parks, Porter, Secrest, Smiley, Stewart of Fayette, Stewart of Laporte, Tackett, Tebbs, Thompson, Wolfe, Woodruff, and Mr. Speaker—58.

So said motion did not prevail.

The question again recurring on the motion of Mr. Secrest,

Mr. Suit moved to amend the motion of Mr. Secrest.

Which the chair decided to be out of order for the reason that the House were acting on amendments of the Senate, and the motion of Mr. Secrest was an amendment to an amendment, and consequently a motion to amend the motion and amendment of Mr. Secrest could not be in order.

From which decision Mr. Suit appealed.

The question then being,

"Shall the decision of the chair be the judgment of the House?"

Messrs. Hamilton and Suit demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Balding, Battell, Carr of Clark, Carnahan, Clark, Crookshank, Decker, Dobson, Dole, Dowling, Dunham, Edwards, Fuller, Gordon, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Harvey, Hatfield, Hendricks, Hicks, Hill, Holland, Hostetter, Huff, Hunt, Jenison, Jones of Greene, Kerr, Lemmonds, Logan, Mason, May, Meredith, Miller, Nofsinger, Osborn, Palmer, Parker, Parks, Secrest, Smiley, Stewart of Fayette, Stewart of Laporte, Summers, Tackett, Tait, Tebbs, Thompson, Wolfe, Woodruff, Young, and Mr. Speaker—56.

Those who voted in the negative are,

Messrs. Cravens, Ferguson, Hull, Moore, Noel, Porter, Suit, Trimble, Watts, Wiley, Wilson, and Wise—12.

So the decision of the chair was sustained.

The question then recurring on the motion of Mr. Secrest to concur with an amendment,

Messrs. Secrest and Cravens demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Brown, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Crookshank, Dobson, Dole, Dowling, Edwards, Fuller, Gordon, Green, Hall of Posey, Hall of Warren, Harvey, Hatfield, Hendricks, Hicks, Hill, Holland, Hostet-

ter, Huff, Hull, Hunt, Jones of Greene, Kerr, Lemmonds, Logan, Mason, May, Meredith, Miller, Moore, Nofsinger, Osborn, Parker, Parks, Porter, Secrest, Smiley, Stewart of Fayette, Stewart of Laporte, Tackett, Tebbs, Thompson, Watts, Wilson, Wolfe, Woodruff, and Mr. Speaker—57.

Those who voted in the negative are,

Messrs. Colms, Cravens, Deam, Decker, Ferguson, Gilleece, Griffis, Hamilton, Holman, Huddleston, Jenison, Johnson, Jones of Blackford, McCormack, Noel, Palmer, Powell, Suit, Summers, Tait, Thomas, Trimble, Wiley, Wise, Yaryan, and Young—25.

So said motion prevailed.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate have passed engrossed bills of the House,

No. 422. An act allowing John Briggs a certain sum for his attendance as a witness in the Johnson impeachment case;

No. 380. An act to raise a revenue for State purposes for 1847;

Both without amendment.

On motion,

The House adjourned until to-morrow morning, 9 o'clock.

TUESDAY MORNING, January 26, 1847.

The House met pursuant to adjournment.

Mr. Secrest moved a call of the House;

Which was seconded.

The following named persons were found absent on the call, viz: Messrs. Battell, Ferguson, Gilleece, Harding, Hamilton, Hull, May, Suit, Watts, and Yaryan.

On motion by Mr. Edwards,

The further call was suspended.

The following message was received from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate have passed engrossed bill of the House,

No. 173. An act in relation to that portion of the northern division of the Central canal which lies between Broad Ripple, in Marion county, and the Bluffs, in Morgan county;

With sundry amendments, in which the concurrence of the House is respectfully requested.

Amendments Nos. 1 and 2 to said bill in said message mentioned, were read and concurred in by the House.

Mr. Meredith moved that the House concur in the 3d amendment to said bill;

Mr. Palmer moved to lay said motion of Mr. Meredith on the table.

On this motion,

Messrs. Palmer and Meredith demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Balding, Carr of Clark, Carr of Lawrence, Colms, Dunham, Green, Hall of Posey, Hanna, Hicks, Hill, Holman, Jones of Blackford, Kerr, Logan, Mason, Osborn, Palmer, Porter, Sleeth, Tackett, Thompson, Watts, Wolfe, Woodruff, and Young—25.

Those who voted in the negative are,

Messrs. Brown, Battell, Clark, Cravens, Crookshank, Deam, Decker, Dole, Edwards, Gordon, Griffis, Hall of Warren, Harvey, Hatfield, Hendricks, Holland, Hostetter Huddleston, Huff, Hull, Hunt, Johnson, McCormack, Meredith, Miller, Moore, Noel, Nofsinger, Parker, Parks, Powell, Secrest, Smiley, Stewart of Fayette, Stewart of Laporte, Summers, Tait, Tebbs, Thomas, Trimble, Wiley, Wilson, Wise, and Yaryan—44.

So said motion of Mr. Palmer did not prevail.

The question then recurring on the motion of Mr. Meredith to concur in the 3d amendment of the Senate to said bill,

Messrs. Palmer and Holman demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Battell, Clark, Cravens, Crookshank, Dole, Dowling, Edwards, Fuller, Gordon, Griffis, Hall of Warren, Harding, Harvey, Hendricks, Hostetter, Huddleston, Hull, Hunt, Jenison, Johnson, Kerr, McCormack, Meredith, Miller, Moore, Noel, Parker, Parks, Powell, Secrest, Smiley, Stewart of Fayette, Stewart of Laporte, Summers, Tait, Tebbs, Thomas, Trimble, Wiley, Yaryan, and Young—41.

Those who voted in the negative are,

Messrs. Brown, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Colms, Deam, Decker, Dunham, Gilleece, Green, Hall of Posey, Hatfield, Hicks, Hill, Holland, Holman, Huff, Jones of Blackford, Lemmonds, Mason, Osborn, Palmer, Porter, Sleeth, Tackett, Thompson, Watts, Wilson, Wolfe, and Woodruff—31.

So said amendment was concurred in.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate have passed engrossed bills of the House,

No. 334. To provide for the improvement of county libraries.

No. 344. To authorize the formation of voluntary associations.

No. 370. To amend the acts now in force in regard to sending students to the State University.

All without amendment.

The Senate have also passed engrossed bill of the House,

No. 110. To change the time of holding courts in the seventh judicial circuit, and for other purposes.

With sundry amendments, in which the concurrence of the House is requested.

The Senate have also passed engrossed bills thereof.

No. 278. To revive and amend an act entitled, "an act to incorporate the town of Pendleton in Madison county," approved February 15, 1839;

No. 279. To authorize the auditor and school commissioner in Jay county to sell school lands in said county;

In which the concurrence of the House of Representatives is respectfully requested.

The amendments to No. 110, in said message mentioned,

Were concurred in by the House.

No. 278, was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

No. 279, was read a first time, and ordered to a second reading.

On motion by Mr. Tait,

Messrs. Edwards, Wolfe, and Nofsinger, were added to the committee on enrolled bills.

A message from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate have passed engrossed bill of the House,

No. 497. Making specific appropriations for the year 1847;
With sundry amendments, in which the concurrence of the House is respectfully requested.

Said amendments to said bill in said message mentioned,
Were each severally read; and
On concurring in the first amendment, relative to John M. Barclay's allowance as clerk to the committee of ways and means,
Messrs. Wolfe and Miller demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Brown, Balding, Carr of Clark, Carr of Lawrence, Clark, Cravens, Deam, Decker, Dole, Dunham, Fuller, Gilleece, Griffis, Green, Hall of Posey, Hanna, Harding, Hill, Holland, Holman, Hostetter, Huddleston, Huff, Hull, Jenison, Johnson, Kerr, Lemmonds, Logan, Moore, Nofsinger, Osborn, Parks, Porter, Powell, Sleeth, Smiley, Summers, Tait, Thomas, Trimble, Watts, Wiley, Wilson, Wise, Wolfe, Woodruff, Yaryan, and Young—50.

Those who voted in the negative are,

Messrs. Colms, Crookshank, Dowling, Edwards, Gordon, Harvey, Hendricks, Hicks, Hunt, Mason, Meredith, Miller, Noel, Parker, Secrest, Stewart of Fayette, Stewart of Laporte, Tebbs, and Thompson—19.

So said amendment was concurred in.

Mr. Secrest moved that the House refuse to concur in the second amendment to said bill relative to the allowance of Henry Thompson.

On which motion,

Messrs. Cravens and Balding demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Clark, Colms, Crookshank, Dobson, Dole, Dowling, Fuller, Gilleece, Gordon, Harvey, Hatfield, Hendricks, Hicks, Huff, Hull, Lemmonds, Mason, Meredith, Miller, Noel, Nofsinger, Parker, Secrest, Sleeth, Stewart of Laporte, Summers, and Watts—28.

Those who voted in the negative are,

Messrs. Brown, Balding, Battell, Carr of Clark, Carr of Lawrence, Carnahan, Cravens, Deam, Decker, Dunham, Green, Hall of Posey, Hanna, Harding, Hill, Holland, Holman, Hostetter, Huddleston, Hunt, Jenison, Johnson, Jones of Blackford, Kerr, Logan, McCormack, Moore, Osborn, Palmer, Parks, Porter, Powell, Smiley,

Stewart of Fayette, Tait, Thomas, Trimble, Wiley, Wilson, Wise, Wolfe, Woodruff, Yaryan, and Young—43.

So said motion did not prevail, and said amendment was concurred in by the House.

Mr. Secrest moved to concur in the third amendment to said bill, relative to the allowance of the Treasurer of State as superintendent of common schools, by striking out the same from the bill.

On this motion,

Messrs. Cravens and Dobson demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Battell, Colms, Crookshank, Gordon, Hanna, Hunt, Meredith, Noel, Nofsinger, Palmer, Secrest, Smiley, Stewart of Fayette, Stewart of Laporte, Tait, and Tebbs—16.

Those who voted in the negative are,

Messrs. Brown, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Cravens, Deam, Decker, Dobson, Dole, Dowling, Dunham, Edwards, Fuller, Gilleece, Griffis, Green, Hall of Posey, Harding, Harvey, Hatfield, Hendricks, Hicks, Hill, Holland, Holman, Hostetter, Huddleston, Huff, Hull, Johnson, Kerr, Lemmonds, Logan, Mason, McCormack, Miller, Moore, Osborn, Parker, Porter, Powell, Sleeth, Summers, Thomas, Trimble, Watts, Wiley, Wilson, Wise, Wolfe, Woodruff, Yaryan, and Young—54.

So said motion did not prevail.

The question then recurring on concurring in said third amendment of the Senate to said bill,

Messrs. Cravens and Yaryan demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Brown, Carr of Clark, Carr of Lawrence, Carnahan, Clark, Cravens, Deam, Dole, Dowling, Dunham, Edwards, Griffis, Green, Hanna, Harding, Hicks, Hill, Holland, Holman, Hostetter, Huddleston, Huff, Hull, Hunt, Kerr, McCormack, Miller, Moore, Porter, Powell, Summers, Tebbs, Thomas, Trimble, Watts, Wise, Wolfe, and Yaryan—38.

Those who voted in the negative are,

Messrs. Balding, Colms, Crookshank, Decker, Dobson, Fuller, Gilleece, Gordon, Harvey, Hatfield, Hendricks, Johnson, Lemmonds, Logan, Mason, Meredith, Noel, Nofsinger, Palmer, Parker, Parks, Secrest, Sleeth, Smiley, Stewart of Fayette, Stewart of Laporte, Tait, Thompson, Wiley, Wilson, Woodruff, and Young—32.

So said amendment was concurred in.

The fourth amendment of the Senate to said bill was concurred in.

On concurring in the fifth amendment of the Senate to said bill, Messrs. Cravens and Trimble demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Brown, Carr of Clark, Clark, Cravens, Deam, Decker, Dole, Edwards, Griffis, Green, Hanna, Harding, Harvey, Hill, Holland, Huddleston, Huff, Kerr, McCormack, Noel, Parker, Parks, Porter, Stewart of Fayette, Summers, Tait, Thomas, Trimble, Watts, Wolfe, Yaryan, and Young—32.

Those who voted in the negative are,

Messrs. Balding, Carr of Lawrence, Carnahan, Dobson, Dunham, Fuller, Gilleece, Gordon, Hall of Posey, Hull, Hunt, Lemmonds, Logan, Mason, Meredith, Miller, Moore, Nofsinger, Osborn, Powell, Secrest, Sleeth, Smiley, Stewart of Laporte, Tebbs, Thompson, Wiley, Wilson, and Woodruff—29.

So said amendment was concurred in.

The remainder of the amendments of the Senate to said bill were concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

Mr. Tait made the following report:

Mr. Speaker:

The committee on enrolled bills have compared the following enrolled with the engrossed bills, and find them truly enrolled:

No. 346. An act to incorporate the city of Indianapolis;

No. 378. An act to legalize an act of the board of county commissioners of Elkhart county;

No. 386. A joint resolution in relation to granting land to Mr. Whitney to enable him to construct a Railroad from Lake Michigan to the Pacific Ocean;

No. 461. An act to repeal the local laws on the subject of roads and highways in the county of Lawrence;

No. 95. An act to incorporate the Delphi Manufacturing Company;

No. 412. An act to locate a State road in Hamilton county;

No. 413. An act to provide for the survey and location of a State road in the county of St. Joseph;

No. 129. An act declaring a certain act therein named to be in force;

No. 142. An act requiring the supervisors of roads in Sullivan

county to make report at the March term in each year and for other purposes;

No. 483. An act to provide for the applying of the 3 per cent. fund due to the county of Ripley to the improvement of certain roads therein named;

No. 447. An act to incorporate the town of Williamsburgh, Wayne county, Indiana;

No. 511. An act to revive and continue in force an act entitled an act to incorporate the Mount Carmel and New Albany Railroad Company, approved February 4, 1837;

No. 469. An act for the relief of the treasurer of Johnson county;

No. 432. An act providing for the sale of school section in township 25, north of range 2 east, for the term of ninety-nine years;

No. 411. An act to locate a State road in the counties of Cass and Pulaski;

No. 458. An act to repeal an act entitled an act for the relief of the citizens of district number 3, in Congressional township number 28, north of number 3 east, in Adams township, Cass county, approved January 15, 1846, and for other purposes;

No. 275. An act to incorporate the Greenfield and Shelbyville Railroad Company;

No. 11. An act relative to loaning school funds;

No. 464. An act to repeal the local laws on the subject of roads and highways in the county of Lawrence;

No. 412. An act to locate a State road in Hamilton county;

No. 95. An act to incorporate the Delphi Manufacturing Company;

No. 471. An act to legalize the election for mayor and common council of the town of Delphi;

No. 369. An act to amend an act entitled an act to incorporate the New Albany and Corydon Turnpike Company, approved January 20, 1846;

No. 378. An act to legalize an act of the board of county commissioners of Elkhart county;

No. 468. An act to constitute Carlisle and vicinity a road district;

No. 419. An act to change the name of the town of New York, in Switzerland county, State of Indiana;

No. 416. An act for the relief of James Boyer, of Clark county;

No. 496. An act to repeal a part of section 38, chapter 47, article 4th of the Revised Statutes of 1843, as far as St. Joseph county is concerned, and for other purposes.

No. 358. An act to quiet the titles in Clark's grant;

No. 394. An act authorizing the trustees of school district No. 5, in town 37, north of range 3 east, in St. Joseph county to levy a tax to build a school house.

No. 422. An act allowing John Briggs a certain sum for his attendance as a witness in the Johnson impeachment case.

No. 385. An act to amend an act incorporating the town of Connersville in the county of Fayette, approved February 15, 1841;

No. 472. A joint resolution in relation to the Buffalo and Mississippi Railroad;

No. 387. An act to amend an act entitled an act for the relief of the securities of William H. Darnell, late school commissioner of Hendricks county, approved January 19, 1846;

No. 369. An act to amend an act entitled an act to incorporate the New Albany and Corydon Turnpike Company, approved January 20, 1846;

No. 11. An act relative to loaning school funds;

Whereupon the Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

Mr. Hunt made the following report:

MR. SPEAKER:

The select committee, to whom was referred the bill of the Senate No. 221, entitled "An act for the relief of Joseph P. Smith, of Lake county," have considered the subject, and directed me to report the same back to the House without amendment, and respectfully recommend its passage.

On motion by Mr. Porter,
Said bill was laid on the table.

On motion by Mr. Watts,
The House adjourned until 2 o'clock, P. M.

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2 o'clock, P. M.

The House met.

On motion by Mr. Brown,
The following message of His Excellency, the Governor, was taken up:

Gentlemen of the House of Representatives:

Herewith is returned bill No. 321, which originated in the House, entitled "An act authorizing the canal commissioners to credit and receipt for moneys heretofore paid by purchasers of Wabash and Erie canal lands," with the reasons for withholding my approval of the same.

The provisions of the bill, it is apprehended, are so broad and general, as to cover and legalize payments made on entries, and funds deposited with the clerk of the canal land office at Peru shortly after the adjournment of the last session of the Legislature, under the act entitled "An act amending the two hundred and eighteenth section of the Revised Code, chapter thirteenth, and page two hundred and sixty-seven." The entries last referred to, if they had been recognized as legal, and if patents had been issued thereupon, would have operated as a fearful engine of oppression, in depriving many unsuspecting purchasers of canal lands of their homes, improved in value by their labor, as well as depriving them of all their payments previously made. Independently of other objections, however, I found no difficulty in withholding patents on those entries, and in regarding them as nullities, for the reason that the certificates of purchase issued on the entries were signed by the clerk of the land office for, and as the agent of a former General Superintendent of the Wabash and Erie canal, whose term of office as such had then expired.

But the present bill legalizes payments made not only to any such commissioner of the canal, or clerk, but also *to any person acting as such*. The commissioner or superintendent in question did act as such through his clerk in permitting the obnoxious entries to be made, as has been stated, (whether with, or without his knowledge,) and it is feared, therefore, that the present bill, should it become a law, would legalize them.

There are, it is presumed, meritorious cases of payments made under the *general laws*, which have not been credited on the proper books of the office, and which ought, unquestionably, to be so credited. The honest purchaser should not suffer through any omission of the official duty of the kind referred to. The bill, therefore, (which has only been received this forenoon,) is returned as soon as practicable, in order that its provisions may be so shaped as to relieve all such meritorious cases, and at the same time avoid the evil in question. In that case my approval will be given with pleasure. JAS. WHITCOMB.

January 25, 1847.

The question then being,

"Shall said bill become the law notwithstanding the objections of the Governor?"

Those who voted in the affirmative are,

Messrs. Colms and Harvey—2.

Those who voted in the negative are,

Messrs. Brown, Battell, Carr of Clark, Carr of Lawrence, Carna-

han, Clark, Decker, Dobson, Dole, Dowling, Dunham, Edwards, Fuller, Gilleece, Gordon, Griffis, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Hendricks, Hicks, Hill, Holman, Hostetter, Huddleston, Huff, Hunt, Kerr, Logan, Mason, McCormack, Meredith, Osborn, Palmer, Parker, Parks, Porter, Powell, Secrest, Sleeth, Stewart of Fayette, Stewart of Laporte, Summers, Tackett, Tait, Thomas, Trimble, Watts, Wiley, Wilson, Wolfe, Woodruff, Young, and Mr. Speaker—58.

So said bill does not become the law.

A message from the Senate, by Mr. Jones, their secretary:

Mr. Speaker :

I am directed by the Senate to inform the House of Representatives that the Senate have passed engrossed bills thereof as follows:

No. 458. An act to repeal an act entitled "An act for the relief of the citizens of district No. 3, in congressional township No. 28 north, of range 3 east, in Adams township, Cass county, approved January 15, 1846, and for other purposes;

No. 432. An act providing for the sale of a school section, in township 25 north, range 2 east, for the term of 99 years;

No. 411. An act to locate a State road in the counties of Cass and Pulaski;

No. 511. An act to revive and continue in force an act entitled "An act to incorporate the Mount Carmel and New Albany railroad company," approved February 4, 1837;

No. 403. An act to amend an act entitled "An act to incorporate the Eel River Seminary Society," approved January 1, 1829, and for other purposes;

No. 402. An act for the relief of the estate of William N. Hood, deceased;

All without amendment.

A message from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed to inform the House that the Senate have concurred in the amendments of the House to the amendments of the Senate to bill of the House,

No. 353. An act supplemental to an act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville," approved January 19th, 1846;

And have receded from their amendment, No. 16, to the same bill.

A message from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate

have passed the following engrossed bill of the House, without amendment:

No. 314. An act to provide for the payment of the expenses of completing the selection, appraising, classifying and mapping the lands granted by Congress for completing the Wabash and Erie canal from Terre Haute to the Ohio river.

The following message was received from his Excellency the Governor, by Mr. Hanna, his private secretary:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he did, on this day, approve and sign the following bills:

No. 453. An act making an appropriation to J. R. Pratt & Co., for the erection of the State Prison;

No. 75. An act to amend an act entitled "An act declaring a part of Salt Creek a public highway," approved February 13, 1840;

No. 224. An act relative to granting letters of guardianship;

No. 429. An act changing the time of holding the probate courts in the county of Jefferson;

No. 281. An act relating to auditor's fees in Bartholomew county;

No. 342. An act to authorize Nelson Peck and Elmore H. Wilcox to continue a mill dam across the Iroquois river, in Jasper county;

No. 90. An act in relation to the service of subpœnas in chancery;

No. 360. An act fixing a certain annual compensation to the auditor of Boone county;

No. 60. An act fixing the time of holding courts in the 4th judicial circuit;

No. 445. A joint resolution relative to the removal of the remains of the late Hon. Tilghman A. Howard;

No. 449. An act for the relief of Wm. Smith;

No. 440. An act vacating a certain alley in the town of Greencastle;

No. 456. An act to legalize certain of the official acts of Solomon M. Semans, a justice of the peace of Randolph county;

No. 388. An act authorizing the county commissioners of Noble county to make an allowance to the treasurer of said county for collecting road tax receipts;

No. 377. An act relative to overseers of the poor in Floyd county;

No. 400. An act relative to the seminary fund in Laporte county;

No. 130. An act granting to probate judges in this State the right of taking acknowledgments of deeds and other instruments in writing;

No. 398. An act to authorize Michael English to build a mill dam across the Salamania river, in Wabash county;

No. 462. An act authorizing the commissioners of the reserved township of college lands in Monroe county to make a deed to certain lots therein named;

All of which originated in the House of Representatives.

The following bills were introduced:

By Mr. Brown:

No. 516. A bill to require the general superintendent of the Wabash and Erie canal to give credits in certain cases;

By Mr. Parker:

No. 517. An act to allow persons to go to mill on the St. Joseph feeder with canoes and pirogues free of toll;

Which were each read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Hunt made the following report:

MR. SPEAKER:

The committee on education to whom was referred the petition of Samuel R. Hays of the county of Monroe, praying the General Assembly to pass a law to put a stop to the practice of turning school teachers out of their school rooms on holidays, have had the subject under consideration and directed me to report that the committee believe the laws which now exist sufficient for the protection of teachers, and, while they truly sympathise with the petitioner, and regret to learn that the practice alluded to by him has not already been abandoned by every respectable citizen, they believe that further legislation upon the subject is unnecessary, and ask to be discharged from its further consideration.

Which was concurred in.

Joint resolution of the Senate,

No. 277. A joint resolution in relation to the irregularities of the mails;

Was read a second time and indefinitely postponed.

Bill of the Senate,

No. 279. An act to authorize the auditor and school commissioner of Jay county to sell school lands in said county;

Was read a second and third times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Edwards made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared the following enrolled with the engrossed bills, and find them truly enrolled.

No. 376. An act for the relief of the White Water Valley Canal Company;

No. 440. An act to vacate a certain alley in the town of Greencastle;

No. 456. An act to legalize certain of the official acts of Solomon M. Semans, a justice of the peace of Randolph county;

No. 449. An act for the relief of William Smith;

No. 377. An act relative to overseers of the poor in Floyd county;

No. 445. A joint resolution relative to the removal of the remains of the late Hon. Tilghman A. Howard;

No. 462. An act authorizing the commissioners of the reserved township of College lands to make a deed to certain lots therein named.

No. 452. An act to incorporate the Greensburgh and Napoleon Turnpike Company.

No. 453. An act making an appropriation to J. R. Pratt & Co., for the new State Prison.

No. 429. An act changing the time of holding probate courts in Jefferson county.

No. 397. An act to change the name of Ann Amanda Woodward.

No. 390. An act to repeal an act, entitled "An act to regulate the attendance of grand and petit jurors in the fifth judicial circuit, so far as the same relates to the counties of Hendricks, Hamilton, and Hancock.

No. 463. An act for the relief of Andrew Wilson.

No. 331. An act to incorporate the Covington Drawbridge Company.

No. 463. An act to incorporate the Terre Haute and Richmond Railroad Company.

No. 398. An act to authorize Michael English to build a mill-dam across the Salamania river, in Wabash county.

No. 130. An act granting to probate judges in this State the right of taking acknowledgment of deeds and other instruments in writing, and for other purposes.

No. 400. An act relative to the Seminary fund in Laporte county.

No. 451. A joint resolution legalizing the acts of Benjamin A. Allison, administrator of the estate of Amasa Jocelin, late of Owen county, deceased.

No. 388. An act authorizing the county commissioners of Noble county to make an allowance to the treasurer of said county for collecting road receipts.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

Mr. Meredith made the following report:

Mr. Speaker:

The committee on roads to whom was referred the petition of

Thomas P. Miller and others, of Boone county, asking the appropriation of money from the State Treasury for the purpose of building a bridge across the east fork of Eagle creek, in Boone county, have had the same under consideration, and direct me to report that it is inexpedient to legislate on the subject, and the committee ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Meredith moved to reconsider the vote taken on laying the motion of Mr. Dole on the table to reconsider the vote taken on the indefinite postponement of No. —, relative to requiring the treasurer of Kosciusko county to refund certain taxes to the county of Fulton.

On which motion,

Messrs. Colms and Griffis demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Brown, Balding, Battell, Carr of Lawrence, Carnahan, Clark, Decker, Dobson, Dole, Dowling, Dunham, Gilleece, Gordon, Green, Hall of Posey, Hall of Warren, Hanna, Harding, Hendricks, Hicks, Hostetter, Hunt, Jones of Blackford, Kerr, Logan, Meredith, Miller, Moore, Noel, Osborn, Palmer, Parker, Parks, Porter, Powell, Secrest, Stewart of Fayette, Tackett, Tebbs, Trimble, Watts, Wilson, Wolfe, Woodruff, and Young—46.

Those who voted in the negative are,

Messrs. Colms, Edwards, Fuller, Griffis, Harvey, McCormack, Sleeth, Smiley, Stewart of Laporte, Summers, Tait, Thomas, Wiley, Wise, and Mr. Speaker—15.

There being no quorum voting, said motion did not prevail.

Mr. Fuller introduced,

No. 518. A joint resolution allowing the Adjutant General such pay as the Governor and Secretary of State shall certify to be right.

Which was read three several times—the rules being suspended—and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Dowling introduced,

No. 519. A bill the better to keep members of the General Assembly from abandoning their seats and breaking the quorum.

Which was read a first time, and ordered to a second reading.

On motion by Mr. Secrest,

Leave of absence was granted to Mr. Carr of Clark, for the remainder of the session.

Mr. Carr of Lawrence introduced,

No. 520. A bill providing for the publication of sheriff's sale.

Which was read a first time, and ordered to a second reading.

Mr. Carr of Lawrence made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of Jackson county, praying certain territory to be attached to the county of Lawrence, have directed me to report that a majority of the committee entertain no doubt of the justness of granting the prayer of the petitioners, but owing to the late hour of the session at which the petition was received, (it being only a few days since,) and on account of the great amount of unfinished business already on hand, renders it impossible for a bill to be passed into a law at the present session, and therefore ask to be discharged from the further consideration of the subject.

Which was concurred in.

Leave was also given Mr. Carr of Lawrence, to withdraw the petition mentioned in said report.

Mr. Palmer made the following report:

MR. SPEAKER:

The select committee to whom was referred a petition of sundry citizens of Carroll and Cass counties, have had the same under consideration, and directed me to report that it is inexpedient to pass any law taking from any county in this State any of its territory.

Which was concurred in.

A message from the Senate, by Mr. Jones, their secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof, viz.:

No. 441. A bill for the relief of John Carter, a purchaser of Saline lands in Brown county.

Mr. Carnahan made the following report:

MR. SPEAKER:

The majority of the select committee, to whom was referred the petition of John Gullett and others, citizens of Perry county, praying a limitation of the quantity of land that any individual may *hereafter* acquire in this State, and the exemption of the homestead of each family, not to exceed 160 acres, from alienation for any future debt or liability, or in any manner, except by the joint con-

sent of husband and wife, when such relation may exist, have had the same under consideration, and beg leave to report:

While substantially agreeing with the petitioners respecting the necessity of adopting measures to save the people of our now happy country from lapsing into that deplorable condition of squalid poverty on the part of the masses, that their labor may produce excessive wealth on the part of the few, now universal in European countries—the committee are conscious that the day or two yet intervening before an adjournment are not sufficient to perfect any law upon the subject, and on that account have no alternative but to recommend that the House take no action respecting it. The committee cannot, however, dismiss this important subject without expressing the ardent hope that it will meet with the careful and mature consideration of the people and of some future Legislature of Indiana. They are convinced that the measures chiefly discussed by politicians, and upon which political parties are formed, are, to a very great extent, superficial, and that they do not afford a radical and sufficient remedy for the political evils which afflict mankind. It is not unknown to the best informed among us that while uncounted wealth is at the command of a few, that the great body of the inhabitants of all civilized countries suffer from actual want. This state of things cannot be just. It must be the result of a wrong system—it must have a remedy in the removal of that system, and ihs establishment of a more equitable one. It behoove *us* to inquire what that wrong system is, that we may discover whether it is taking root in this country, so that we may eradicate it in its feebleness, before it shall overspread and blight the whole country, and strike its roots so deep that they can be torn up only by a mighty and disastrous convulsion. Already its deadly fruit, poverty, followed by an appaling train of diseases and crimes, is appearing in our older States. Pauperism is increasing in an alarming ratio throughout them all. In New York city, for instance, the almshouses are overflowing with paupers, and for the want of room in them, destitute persons have been sent to the city prisons. It is estimated that eight or ten thousand persons in that city depend in a great degree upon charity for a subsistence. Thousands of others are working for wages that furnish them with a scanty supply of unwholesome food and the poorest lodgings. Women work sixteen or seventeen hours a day for a quarter of a dollar, and when their labor is intermitted for a single day they are destitute of food. If unable to procure employment at all they are driven to the almshouses or to prostitution for their bread; and thus want is engendering an innumerable brood of vices and crimes whose baleful influence is extending from year to year throughout the country. Is it not time for us to pause and inquire whether there is not a remedy for this condition of things? It must be evident to all that enough is produced to make all comfortable. How happens it then that so many are destitute, and so many too among those who perform an undue share of

labor? Is it not the result of a similar system here to that which has filled England, though confessedly the wealthiest country on earth, with more pauperism, more suffering, more starvation, and consequently with more degradation, more vice, and more crime, than any other? There is, in England, an abundance for all. If the labor invested in building gorgeous palaces for the rich were devoted to the erection of cottages for the poor, if all the time thrown away in producing luxuries for the aristocracy were expended in preparing comforts for the needy, how greatly would the aspect of things in that country be changed. And why should it not? There can be no justice in that system, fostered as it may be by laws and usages, which dooms the masses to excessive labor and excessive privations, that the more luxuries may be rolled into the hands of the few! The abhorrent Siamese twins, Land Monopoly and Wages Slavery, are the cause of all these evils. The whole soil of that country is parcelled out among thirty thousand persons, and the thirty millions of people are compelled to give the whole proceeds of their severe toil, (above what will keep them alive that they may continue to labor for their landlords,) into the hands of these proprietors. In this way many of these proprietors receive hundreds of thousands, and in others millions of dollars for granting to their fellow men the right to live on the earth which God has given them. It is boldly announced by the politicians there that the wages of labor are governed by the price of provisions, and that all the proceeds of their labor above this rate properly goes into the hands of their employers. Thus, whenever out of employment they must suffer. If this monopoly of the soil were prevented, and each man allowed to own only just so much soil as he himself should till, these evils would be avoided. Every man would enjoy the proceeds of his own labor, which would be abundant to afford him any rational comfort. It would promote social equality, and by diffusing the proceeds of labor among the mass destroy the extremes of pauperism and unbounded wealth.

With regard to an exemption of a certain amount of real estate from execution, the committee express themselves decidedly in its favor. Poverty should no longer be esteemed a crime. There can be no sufficient reason why the misfortunes of a man should entail suffering and want upon his family. A law making an exemption of enough property to keep a family comfortable, and afford them a home, while it could do no wrong to any, would be of infinite benefit. No creditor should ever become so, because at the worst he could recover his debt through the sufferings of his debtor's family. Destitution has evils which it would be well for legislators to take into account. It affords temptation to which none should be subjected. And the debtor, instead of being crushed to the earth by his misfortunes, could still have a chance to retrieve his affairs. He would have a motive more potent than all others for doing so. Bereft of his all, he goes forth disheartened and discouraged, and his

desire to pay is crushed under the weight of his inability to do so. With a homestead for himself and family, with a position in society, his independent and manly feelings would not be destroyed, and he would labor with more energy and a far better prospect of success to overcome his embarrassments.

The committee have aimed in this necessarily hasty and imperfect report, rather to express an opinion favorable to the prayer of the petitioners than to adduce arguments and reasons why their prayer should be granted.

Which said report was laid on the table.

Mr. Tait made the following report:

Mr. Speaker:

The committee on enrolled bills have compared the following enrolled with the engrossed bills, and find them truly enrolled:

No. 480. An act to vacate part of the town of Milford, in Kosciusko county.

No. 426. An act to provide for the election of an additional justice of the peace in Jackson township, Wayne county, Indiana.

No. 380. An act to raise a revenue for State purposes for 1847.

No. 178. An act to incorporate the Logansport and Wabash Free Bridge Company.

No. 490. An act legalizing the acknowledgments of deeds taken by the probate judge of Knox and Delaware counties.

No. 293. An act to repeal the act, entitled "An act to amend the 4th article of the 16th chapter of the Revised Statutes of 1843, so far as relates to the counties of Washington and Jackson," approved January 5, 1844, so far as the same relates to the county of Washington.

No. 401. An act to authorize the auditor of Harrison county to make a deed therein named.

No. 298. An act fully to explain the 54th section, chapter 16, of the Revised Code of 1843.

No. 484. An act authorizing suits to be commenced in the Knox circuit court in certain cases.

No. 418. An act to establish public highways in the county of Boone.

No. 482. An act to authorize the clerk of the circuit and probate courts of Lawrence county to use new seals.

No. 430. An act to provide for the settlement of the accounts of commissioners heretofore appointed to expend a portion of the three per cent. fund in Orange county.

No. 354. An act authorizing the Governor to contract for the completion of the State Prison, and for other purposes.

No. 346. An act to incorporate the city of Indianapolis.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

Mr. Trimble introduced,

No. 582. A joint resolution on the subject of an act passed at the present session.

Which was read a first time, when

Mr. Trimble moved to suspend the rules and read the bill a second time.

On which motion,

Messrs. Stewart of Fayette and Hostetter demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Balding, Griffis, Green, Hendricks, Holland, Jones of Blackford, Kerr, McCormack, Osborn, Summers, Trimble, Wise, Wolfe, Woodruff, and Mr. Speaker—15.

Those who voted in the negative are,

Messrs. Carnahan, Gordon, Hostetter, Moore, Stewart of Fayette, Stewart of Laporte, and Tait—7.

There being no quorum voting,

Said motion did not prevail.

Said bill was ordered to a second reading on to-morrow.

A message from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am instructed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof, to-wit:

No. 88. A bill fixing the salary of the auditor of Miami county,

With one amendment,

In which amendment the concurrence of the House of Representatives is respectfully requested.

Said amendment was read and concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Edwards,

Resolved, That the use of the Hall of the House of Representatives be allowed to the Common School Convention to be held on the fourth Wednesday in May, 1847, and so long as it may continue its session.

A message from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate have passed engrossed bill of the House with an amendment:

No. 466. To authorize the commissioners of the Sinking Fund to receive substitution of stock mortgages, and for other purposes.

In which amendment the concurrence of the House is respectfully requested.

Said amendment was read and concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

Leave of absence for the remainder of the session was granted to Messrs. Stewart of Fayette, Woodruff, Griffis, Trimble, Decker, Brown, and McCormack.

On motion,

The House adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, January 27th, 1847.

The House met pursuant to adjournment.

On motion, the journal was not read.

The following message was received from the Governor, by Mr. Hanna, his private secretary:

Mr. Speaker:

I am directed by the Governor to inform the House of Representatives, that he did on yesterday, approve and sign the following bills and joint resolutions:

No. 451. A joint resolution legalizing the acts of Benjamin A. Allison, administrator of the estate of Amasa Jocelin, late of Owen county, deceased.

No. 463. An act to incorporate the Terre Haute and Richmond Railroad Company.

No. 390. An act to repeal an act, entitled "An act to regulate the attendance of grand and petit jurors in the fifth judicial circuit," so far as relates to the counties of Hendricks, Hamilton, and Hancock.

No. 463. An act for the relief of Andrew Wilson.

No. 397. An act to change the name of Ann Amanda Woodward.

No. 484. An act authorizing suits to be commenced in the Knox circuit courts in certain cases.

No. 418. An act to establish public highways in the county of Boone.

No. 331. An act to incorporate the Covington Drawbridge Company.

No. 401. An act to authorize the auditor of Harrison county to make a deed therein named.

No. 394. An act authorizing the trustees of district number five, in township thirty-seven north, of range three east, in St. Joseph county, to levy a tax to build a school house.

No. 474. An act to legalize the election of mayor and common council in the town of Delphi.

No. 483. An act to provide for the applying of the three per cent. fund, due to the county of Ripley, to the improvement of certain roads therein named.

No. 142. An act requiring the supervisors of roads in Sullivan county to make report at the March term in each year, and for other purposes.

No. 95. An act to incorporate the Delphi Manufacturing Company.

No. 346. An act to incorporate the city of Indianapolis.

No. 387. An act to amend an act, entitled "An act for the relief of the securities of William H. Darnell, late school commissioner of Hendricks county," approved January 19, 1846.

No. 11. An act relative to loaning school funds.

No. 469. An act for the relief of the treasurer of Johnson county.

No. 369. An act to amend an act, entitled "An act to incorporate the New Albany and Corydon Turnpike Company," approved January 20, 1846.

No. 447. An act to incorporate the town of Williamsburgh, in Wayne county, Indiana.

No. 413. An act to provide for the survey and location of a State road in St. Joseph county.

No. 380. An act to raise revenue for State purposes for 1847;

No. 385. An act to amend an act incorporating the town of Connersville, Indiana, approved February 15, 1841;

No. 298. An act more fully to explain the 54th section of chapter 16, of the Revised Code of 1843;

No. 426. An act to provide for the election of an additional justice of the peace in Jackson township, Wayne county, Indiana;

No. 472. A joint resolution in relation to the Buffalo and Mississippi railroad;

No. 468. An act to constitute Carlisle and vicinity a road district;

No. 419. An act to change the name of the town of New York, in Switzerland county, Indiana;

No. 480. An act to vacate a part of the town of Milford, in Kosciusko county;

No. 496. An act to repeal a part of section 38, chapter 47, article 4, Revised Statutes 1843, as far as St. Joseph county is concerned, and for other purposes;

No. 422. An act allowing John Briggs a certain sum for his attendance as a witness in the Johnson impeachment case;

No. 293. An act to repeal an act entitled "An act to amend the 4th article of the 16th chapter Revised Statutes 1843, so far as the same relates to the counties of Washington and Jackson," approved January 5th, 1844, so far as the same relates to the county of Washington;

No. 430. An act to provide for the settlement of the accounts of commissioners heretofore appointed to expend a portion of the three per cent. fund in Orange county;

No. 358. An act to quiet the titles to lands in Clark's grant;

No. 482. An act to authorize the clerk of the circuit and probate courts of Lawrence county to use new seals;

No. 490. An act legalizing the acknowledgments of deeds taken by the probate judges of Knox and Delaware counties;

No. 477. An act entitled "An act to extend an act for the preservation of sheep," approved January 25, 1841, and the amended act thereto, approved February 9, 1843;

No. 178. An act to incorporate the Logansport and Wabash Free Bridge company;

No. 452. An act to incorporate the Greensburgh and Napoleon Turnpike Company;

No. 412. An act to establish a State road in Hamilton county;

No. 511. An act to revive and continue in force an act entitled "An act to incorporate the Mount Carmel and New Albany railroad company," approved February 4th, 1837;

No. 458. An act to repeal an act entitled "An act for the relief of the citizens of district No. 3, in congressional township No. 28 north, of range 3 east, in Adams township, Cass county," approved January 15, 1846, and for other purposes;

No. 464. An act to repeal the local laws on the subject of roads and highways in the county of Lawrence;

No. 411. An act to locate a State road in the counties of Cass and Pulaski;

Messrs. Hamilton and Clark were granted leave of absence for the remainder of the session.

On motion by Mr. Secrest,

Messrs. Noel, Wolfe, and Watts were added to the committee on enrolled bills.

Mr. Dole made the following report:

Mr. Speaker:

The select committee to which was referred bill No. 263, entitled

"An act to incorporate the White River Canal Company," have, according to instructions, made one amendment, and have directed me to report the same back to the House, as amended, and recommend its passage.

Said bill and amendment were laid on the table.

Mr. Dole made the following report:

MR. SPEAKER:

The committee on canals and internal improvements to which was referred Senate bill No. 75, entitled "An act for the relief of Anthony Hasket, have duly considered the same, and have instructed me to report the same back to the House and recommend that it be laid on the table.

Which was concurred in, and said bill was laid on the table.

Mr. Watts, on leave, introduced

No. 523. An act authorizing the commissioners of Monroe county to levy a tax for the construction and repair of bridges in said county;

Which was read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate, by Mr. Jones, their principal secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate have passed an engrossed bill of the House,

No. 465. An act giving power to the commissioners of the sinking fund in a certain case;

And a joint resolution of the House,

No. 434. A joint resolution relative to the public printing;

Each without amendment.

A message from the Senate, by Mr. Jones, their secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate have passed the following engrossed bills of the House without amendment:

No. 192. An act authorizing deeds in certain cases to be made;

No. 330. An act incorporating the Jefferson Manufacturing Company;

No. 369. An act declaratory of the powers of the president and associate judges to enforce injunctions in vacation;

No. 389. An act for the relief of John Zulauf;

No. 404. An act to repeal a certain act therein named relative to performing labor on roads and highways in Orange county;

No. 405. An act to extend the time of payment of interest on certain funds therein named;

No. 407. An act legalizing the election of justices of the peace in Clark county;

No. 410. An act to regulate the practice in cases of impeachment;

No. 431. An act regulating the sale of ardent spirits in Randolph county;

No. 437. An act to abolish the office of county auditor in the county of Sullivan;

No. 439. An act for the relief of Carey S. Goodrich;

No. 442. An act authorizing the county commissioners of Wells county to build a bridge;

No. 443. An act for the improvement of a certain road in the counties of Delaware, Blackford, Wells, and Huntington;

No. 450. An act making general appropriations for the year 1847;

No. 454. An act to extend the jurisdiction of justices of the peace in the county of Fayette;

No. 457. An act to prevent the circuit and probate courts in the county of Marion from sitting at the same time;

No. 459. An act to amend an act to incorporate the mayor and common council of the town of Delphi;

No. 460. An act in relation to road tax in the county of Grant;

No. 461. An act for the relief of John Williams of Washington county;

No. 473. An act regulating the giving of notice in a certain suit in the Wayne circuit court;

No. 481. An act in relation to the seminary in Madison county;

No. 498. An act to establish a State road in White and Tippecanoe counties;

No. 499. An act to incorporate the Blue River and Sugar Creek Bridge Company;

No. 500. An act to incorporate the town of Greenfield, in Hancock county;

No. 501. An act for the benefit of citizens owning farms through which the Wabash and Erie canal passes;

No. 502. An act fixing the time of holding the May and November terms of the Grant probate court;

No. 504. An act levying additional road tax on lands in Allen county;

No. 505. An act establishing a certain State road in the counties of Allen and De Kalb;

No. 508. An for the relief of the administrators of the estate of Enoch Barlow, late of Hendricks county, deceased;

No. 509. An act for the vacation of certain streets and alleys in the town of Wellington, Marion county, Indiana;

No. 515. An act for the location of a State road in the counties of Dubois and Martin;

No. 516. An act to require the general superintendent of the Wabash and Erie canal to give credits in certain cases;

No. 471. An act for the relief of Alpha Buckley of Miami county;

No. 444. An act for the relief of Elias Murray;

No. 373. An act to authorize the people of the several townships of the several counties to prohibit the retailing of spirituous liquors;

No. 494. An act to protect stock running at large;

No. 517. An act to allow persons to go to mill on the St. Joseph feeder with canoes and pirogues free of toll;

No. 476. An act for the suppression of obscene books;

Also joint resolutions,

No. 510. A joint resolution in regard to the Indiana hospital for the Insane, the deaf and dumb asylum, and the institution for the education of the blind;

No. 513. A joint resolution relative to international literary exchanges.

A message from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives, that the Senate has concurred in the amendments of the House to engrossed bills of the Senate:

No. 54. To enable executors and administrators to settle estates;

No. 22. To amend the practice in the probate court;

No. 56. Declaring the meaning of sections 143 and 145 of chapter 40, of the Revised Acts of 1843;

No. 102. Relative to executions;

No. 122. To amend an act entitled "an act to incorporate the Michigan road company," approved January 13, 1845, and an act entitled "an act to incorporate the Michigan road company, approved January 13, 1845," approved January 19, 1846;

No. 164. To authorize county auditors to sell lands at private sale which have been bid in for the use of the school fund;

No. 166. To change a certain State road therein named in the counties of Lawrence and Monroe;

No. 172. Fixing an annual compensation to the auditor of Delaware county;

No. 248. To change the time of holding the February term of the probate court in the county of Jackson:

No. 266. In relation to travelling merchants and pedlars in the several counties therein named;

The Senate has also refused to concur in the amendment of the House to the amendment of the Senate to bill of the House,

No. 455. To abolish the office of school commissioner in Sullivan county;

The Senate also refuses to recede from its amendment to bill of the House,

No. 238. To amend the turnpike road charter from Cambridge City to Muncietown, approved January 11, 1845;

The Senate have also passed an engrossed bill thereof:

No. 268. To declare a certain act in force;

In which the concurrence of the House of Representatives is respectfully requested.

Said bill 268,

Was read three several times, and passed.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Carnan,

The House insisted on its amendment to bill of the House, No. 455; and,

On motion by Mr. Dole,

The House adhered to its amendment to the bill of the House, No. 238.

And Messrs. Dole, Noel, and Harvey were appointed a committee of free conference to take the matter into consideration.

Bill of the House,

No. 519. A bill the better to keep members of the General Assembly from abandoning their seats and breaking a quorum;

Was read a second and third times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Jones, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed bill of the House,

No. 523. A bill to authorize the board of commissioners of Monroe county to levy a tax for the construction and repair of bridges in said county.

A message from the Senate, by Mr. Jones, their secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representa-

tives, that the Senate have concurred in the amendments of the House to Senate bill,

No. 35. A bill to provide for the election of township assessors in certain counties therein named, and defining their duties.

A message from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

In pursuance of the request of the House of Representatives, for the return of engrossed bill of the Senate,

No. 178. To provide for ascertaining a part of the boundary line between the countes of Cass and Miami,

I have been directed by the Senate herewith to return the same.

Said bill was laid upon the table.

A message from the Senate, by Mr. Jones, their secretary.

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed engrossed bill thereof:

No. 217. Giving jurisdiction to justices of the peace in certain criminal cases;

In which the concurrence of the House is respectfully requested.

Said bill was read a first time, and ordered to a second reading.

A message from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate have receded from their amendment to House bill No. 455, inserting the county of Knox in the bill.

A message from his Excellency, the Governor, by Mr. Hanna, his private secretary:

Mr. Speaker:

I am directed by his Excellency, the Governor, to inform the House of Representatives, that he has this day approved and signed the following bill:

No. 497. An act making specific appropriations for the year 1847.

Which originated in the House of Representatives.

On motion by Mr. Noel,

The House adjourned until two o'clock, P. M.

2 *o'clock, P. M.*

The House met.

A message from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof:

No. 253. A bill in relation to retailing intoxicating liquors in the counties of Henry and Madison;

No. 223. An act supplementary to article 5th, chapter 30, Revised Statutes.

Said bills were each read three several times, the rules being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill of the House:

No. 491. A bill for the relief of Mary A. Johnson.

A message from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the House, without amendment:

No. 256. A bill to provide for the election of an additional justice of the peace and constable, in Jackson township, in Boone county.

No. 257. An act to incorporate the Columbus Bridge Company.

No. 287. An act for the relief of lessees of water power at Wabash dam, number four, in Carroll county.

No. 335. An act to amend the first article of the 50th chapter of the Revised Statutes of 1843.

No. 361. An act fixing the fees of the auditor of the county of Randolph.

No. 365. An act to locate a State road in the counties of Miami, Howard, and Madison.

No. 371. An act to authorize the Governor to issue a patent for a certain tract of canal land.

No. 415. An act in relation to a school district in Lagrange county.

No. 479. An act to provide for the election of township assessors in the county of Brown, and defining their duties.

No. 493. An act to incorporate the Brazil Steam Mill Manufacturing Company in Clay county, Indiana.

No. 519. An act better to keep the members of the General Assembly from abandoning their seats and breaking a quorum.

No. 375. A bill to prevent the spread of Canada thistles,

With an amendment, in which the concurrence of the House is respectfully requested.

No. 356. A joint resolution in relation to holding a session of the supreme court of the United States west of the Allegheny Mountains.

Mr. Dole made the following report:

Mr. Speaker:

The committee of free conference, which was appointed to settle the differences between the two Houses in relation to the amendment of the Senate to bill of the House No. 238, entitled "An act to amend the turnpike road charter from Cambridge city to Muncietown," approved January 11, 1845, have had that subject under consideration, and instructed me to report that they have come to the following agreement: That the amendment of the Senate to the amendment of the Senate, be concurred in by the House, which is as follows:

Strike out the amendment of the Senate and insert in lieu thereof, "That the stockholders shall be individually liable for debts of the company, to laborers, to the extent of and in proportion to the stock held by each, on the insolvency of the company, or its inability to pay." In which the concurrence of the House is requested.

Which was concurred in, and

On motion,

The House adjourned until eight o'clock, P. M.

8 *o'clock, P. M.*

The House met.

Mr. Moore made the following report:

Mr. Speaker:

The committee on enrolled bills have compared the following enrolled with the engrossed bills, and find them truly enrolled:

No. 402. An act for the relief of the estate of William N. Hood, deceased.

No. 344. An act authorizing the formation of voluntary associations.

No 436. An act for the relief of the sufferers by the late flood.

No. 497. An act making specific appropriations for the year 1847.

No. 173. An act in relation to that portion of the northern division of the Central Canal which lies between Broad Ripple, in Marion county, and the Bluffs, in Morgan county.

No. 509. A bill for the vacation of certain streets and alleys in the town of Wellington, Marion county, Indiana.

No. 434. A joint resolution relative to the Public Printing.

No. 471. An act for the relief of Alpha Buckley, of Miami county.

No. 457. An act to prevent the circuit and probate courts, in the county of Marion, from sitting at the same time.

No. 405. An act to extend the time of payment of interest on certain funds therein named.

No. 192. An act to authorize deeds in certain cases to be made.

No. 404. An act to repeal a certain act therein named, relative to performing labor on roads and highways, in Orange county.

No. 505. An act to establish a certain State road in the counties of Allen and De Kalb.

No. 441. An act for the relief of John Carter, a purchaser of Saline lands in Brown county.

No. 437. An act to abolish the office of county auditor in the county of Sullivan.

No. 444. An act for the relief of Elias Murray.

No. 460. An act in relation to road tax in the county of Grant.

No. 513. A joint resolution relative to international literary exchanges.

No. 110. An act to change the time of holding courts in the seventh judicial circuit, and for other purposes.

No. 517. An act to allow persons to go to mill on the St. Joseph feeder, with canoes and pirogues, free of toll.

No. 264. A bill authorizing the sale of certain real estate therein named.

No. 208. An act to establish an Institute for the Blind of the State of Indiana.

No. 389. A bill for the relief of John Zulauf.

No. 491. An act for the relief Mary A. Johnson.

No. 314. An act to provide for the payment of the expenses of completing the selecting, appraising, classifying, and mapping the lands granted by Congress for completing the Wabash and Erie Canal from Terre Haute to the Ohio river.

No. 273. An act to provide for the election of prosecuting attorneys by the people in the several counties.

No. 499. A bill to incorporate the Blue river and Sugar creek Bridge Company.

No. 479. An act to provide for the election of township assessors in the county of Brown, and defining their duties.

No. 256. An act to provide for the election of an additional justice of the peace and constable in Jackson township, in Boone county.

No. 371. An act to authorize the Governor to issue a patent for a certain tract of canal land.

No. 494. An act to protect stock running at large.

No. 465. A bill giving power to the commissioners of the Sinking Fund in certain cases.

No. 501. An act for the benefit of citizens owning farms through which the Wabash and Erie Canal passes.

No. 454. An act to extend the jurisdiction of the justices of the peace in the county of Fayette.

No. 502. A bill fixing the time of holding the May and November terms of the Grant probate court.

No. 361. An act fixing the fees of the auditor of the county of Randolph.

No. 473. An act regulating the giving of notice in a certain suit in the Wayne circuit court.

No. 481. An act in relation to the Seminary of Madison county.

No. 407. An act legalizing the elections of certain justices of the peace in Clark county.

No. 508. An act for the relief of Enoch Barlow, late of Hendricks county, deceased.

No. 443. An act for the improvement of a certain road in the counties of Delaware, Blackford, Wells, and Huntington.

No. 476. An act for the suppression of obscene books, &c.

No. 516. A bill to require the general superintendent of the Wabash and Erie Canal to give credits in certain cases.

No. 353. An act supplementary to "An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," approved January 9, 1846.

No. 477. An act, entitled "An act to extend an act for the preservation of sheep, approved January 25, 1841," approved February 9, 1843.

No. 450. An act making general appropriations for the year 1847.

No. 330. A bill to incorporate the Jefferson Manufacturing Company.

No. 168. A joint resolution praying the confirmation of the selection of lands made in 1843, to aid in extending the Wabash and Erie Canal from the mouth of Tippecanoe river to Terre Haute.

No. 523. An act authorizing the board of commissioners of Monroe county to levy a tax for the construction of bridges on roads and highways in said county.

No. 459. An act to amend an act, entitled "An act to incorporate the mayor and common council of the town of Delphi.

No. 493. An act to incorporate the Brazil Steam Mill Manufacturing Company, in Clay county.

No. 498. An act to establish a State road in White and Tippecanoe counties.

No. 461. An act for the relief of John Williams, of Washington county.

No. 515. An act for the location of a State road in the counties of Dubois and Martin.

No. 375. An act to prevent the spread of Canada thistles.

No. 369. An act declaratory of the powers of the president and associate judges to enforce injunctions in vacation.

No. 504. An act levying additional road tax on lands in Allen county.

No. 410. An act to regulate the practice in cases of impeachment.

No. 439. An act for the relief of Carey S. Goodrich.

No. 442. An act authorizing the county commissioners of Wells county to build a bridge.

No. 335. An act to amend the first article of the 50th chapter of the Revised Statutes of 1843.

No. 356. A joint resolution in relation to holding a session of the supreme court of the United States west of the Allegheny Mountains.

No. 257. An act to incorporate the Columbus Bridge Company.

No. 63. A bill to authorize the superintendent of the New Albany and Vincennes road to rebuild bridges that have been washed away on said road.

And on motion,

The House adjourned until to-morrow morning 6 o'clock.

THURSDAY MORNING, JANUARY 28, 1847.
6 *o'clock, A. M.*

The House met pursuant to adjournment.

Mr. Edwards made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared the following enrolled with the engrossed bills, and find them correctly enrolled.

No. 431. An act regulating the sale of ardent spirits in Randolph county;

No. 373. An act to authorize the people of the several townships of the several counties to prohibit the retailing of spirituous liquors;

No. 466. A bill to authorize the commissioners of the sinking fund to receive substitution of stock mortgages, and for other purposes;

No. 455. An act to abolish the office of school commissioner in Sullivan county;

No. 365. An act to locate a State road in the counties of Miami, Howard, and Madison;

No. 519. A bill better to keep the members of the General Assembly from abandoning their seats and breaking a quorum;

No. 415. An act in relation to a school district in Lagrange county;

No. 510. A joint resolution in regard to the Indiana hospital for the insane, the deaf and dumb asylum, and the institution for the education of the blind;

No. 287. An act for the relief of lessees of water power at Wabash dam No. 4, in Carroll county;

No. 500. An act to incorporate the town of Greenfield, Hancock county, Indiana.

Whereupon the Speaker signed the same.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Governor, by Mr. Hanna, his private secretary:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives, that he did, on this day, approve and sign the following bills.

No. 403. An act to amend an act entitled, "an act to incorporate the Eel River Seminary Society," approved January 1, 1839, and for other purposes;

No. 88. An act fixing the salary of auditor of Miami county;

No. 374. An act declaring Little Blue river a public highway in Rush county;

No. 370. An act to amend the acts now in force in regard to sending students to the State University;

No. 334. An act to provide for the improvement of county libraries;

No. 402. An act for the relief of the estate of William N. Hood, deceased;

No. 436. An act for the relief of the sufferers by the late floods;

No. 416. An act for the relief of James Boyer of Clark county;

No. 354. An act authorizing the Governor to contract for the completion of the State Prison, and for other purposes;

No. 344. An act to authorize the formation of voluntary associations;

No. 379. An act for the relief of Michael McCall;

No. 405. An act to extend the time of payment of the interest on certain funds therein named;

No. 437. An act to abolish the office of county auditor in the county of Sullivan;

No. 505. An act to establish a certain State road in the counties of Allen and De Kalb;

No. 441. An act for the relief of John Carter, a purchaser of saline lands, in Brown county;

No. 404. An act to repeal a certain act therein named relative to performing labor on roads and highways in Orange county;

No. 471. An act for the relief of Alpha Buckley of Miami county;

No. 517. An act to allow persons to go to mill on the St. Joseph Feeder with canoes and pirogues free of toll;

No. 460. An act in relation to road tax in the county of Grant;

No. 192. An act authorizing deeds in certain cases to be made;

No. 513. A joint resolution relative to international literary exchanges;

No. 444. An act for the relief of Elias Murrey;

No. 509. An act to vacate certain streets and alleys in the town of Wellington, Marion county, Indiana;

No. 434. A joint resolution relative to the public printing.

No. 457. An act to prevent the circuit and probate courts in the county of Marion from sitting at the same time;

No. 110. An act to change the time of holding courts in the 7th judicial circuit;

No. 353. An act supplementary to "an act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," approved January 19, 1846;

No. 504. An act laying additional road tax on lands in Allen county;

No. 523. An act authorizing the board of commissioners of Mon-

roe county to levy a tax for the construction and repair of bridges in said county;

No. 369. An act declaratory of the powers of the president and associate judges to enforce injunctions in vacation;

No. 502. An act fixing the time of holding the May and November terms of the probate court of Grant county;

No. 516. An act to require the general superintendent of the Wabash and Erie Canal to give credits in certain cases;

No. 450. An act making general appropriations for the year 1847;

No. 365. An act to locate a State road in the counties of Miami, Howard, and Madison;

No. 455. An act to abolish the office of school commissioner in the counties of Sullivan and Steuben;

No. 500. An act to incorporate the town of Greenfield, in Hancock county;

No. 519. An act the better to keep the members of the General Assembly from abandoning their seats and breaking a quorum;

No. 415. An act in relation to a school district in Lagrange county;

No. 431. An act regulating the sale of ardent spirits in Randolph county;

No. 510. A joint resolution in regard to the Indiana hospital for the insane, the education of the blind, and the asylum for the deaf and dumb;

No. 373. An act to authorize the people of the several townships of the several counties to prohibit retailing spirits;

No. 275. An act to incorporate the Greenfield and Shelbyville Railroad Company;

No. 493. An act to incorporate the Brazil Steam Mill Manufacturing Company;

No. 498. An act to authorize the establishment of a State road in White and Tippecanoe counties;

No. 481. An act in relation to the seminary of Madison county;

No. 473. An act regulating the giving of notice in a certain suit in the Wayne circuit court;

No. 449. An act to incorporate the Blue River and Sugar Creek Bridge Company;

No. 494. An act to protect stock running at large;

No. 361. An act fixing the fees of the auditor of the county of Randolph;

No. 465. An act giving the power to the commissioners of the sinking fund in a certain case;

No. 479. An act to provide for the election of township assessors in the county of Brown, and defining their duties;

No. 256. An act to provide for the election of an additional justice of the peace and constable, in Jackson township, Boone county;

No. 491. An act for the relief of Mary A. Johnson;

No. 477. An act entitled an act to extend an act for the preservation of sheep, approved January 25, 1841, and the amended act thereto, approved February 9, 1843;

No. 350. An act to incorporate the Jefferson Manufacturing Company;

No. 476. An act for the suppression of obscene books, &c.;

No. 375. An act to prevent the spread of Canada thistles;

No. 461. An act for the relief of John Williams, of Washington county;

No. 515. An act for the location of a State road in the counties of Dubois and Martin;

No. 454. An act to extend the jurisdiction of justices of the peace in the county of Fayette;

No. 378. An act to legalize an act of the board of county commissioners of Elkhart county;

No. 454. An act to establish a free turnpike road in the counties of Allen, Whitley, Kosciusko, and Marshall;

No. 501. An act for the benefit of citizens owning farms through which the Wabash and Erie canal passes;

No. 314. An act to provide for the payment of the expenses of completing the selecting, approving, classifying, and mapping the land granted by Congress for completing the Wabash and Erie canal from Terre Haute to Evansville;

No. 371. An act to authorize the Governor to issue a patent for a certain tract of canal land;

No. 466. An act to authorize the commissioners of the sinking fund to receive substitution of stock mortgages, and for other purposes;

No. 453. An act for the improvement of a certain road in the counties of Delaware, Blackford, Wells, and Huntington;

No. 410. An act to regulate the practice in cases of impeachment.

No. 168. A joint resolution praying the confirmation of the selection of lands made in 1843 to aid in the construction of the Wabash and Erie canal from the mouth of Tippecanoe river to Terre Haute;

No. 208. An act to establish an institute for the education of the blind of the State of Indiana;

No. 407. An act legalizing the election of certain justices of the peace of Clark county;

No. 508. An act for the relief of the administrator of the estate of Enoch Barlow, deceased;

No. 356. A joint resolution in relation to holding a session of the Supreme Court of the United States west of the Allegheny Mountains;

No. 389. An act for the relief of John Zulauf;

No. 439. An act for the relief of Carey S. Goodrich;

No. 335. An act to amend the 1st article of the 50th chapter of the Revised Statutes of 1853;

No. 442. An act authorizing the county commissioners of Wells county to build a bridge;

No. 257. An act to incorporate the Columbus Bridge Company;

No. 459. An act to incorporate the mayor and common council of the town of Delphi;

No. 237. An act to provide for the election of prosecuting attornies by the people in the several counties.

The following message was received from the Senate, by Mr. Jones, their secretary:

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate have adopted the following resolution:

Resolved, That a committee of two be appointed to act with a similar committee on the part of the House to wait upon His Excellency, the Governor, and inform him that both Houses have gone through with their legislative business, and are now ready to adjourn *sine die*, if he has no further communication to make to them, and that the House be informed of the adoption of this resolution.

Whereupon the chair appointed Messrs. Wolfe and Dowling said committee.

Mr. Edwards moved a call of the House;

Which was seconded.

Those who were present when the roll was called were, Messrs. Battell, Colms, Dole, Dowling, Dunham, Edwards, Gilleece, Dobson, Harvey, Holman, Hostetter, Hull, Hunt, Kerr, Moore, Noel, Powell, Sleeth, Smiley, Tackett, Thomas, Walker, Watts, Wise, Wilson, Wolfe, and Mr. Speaker—23.

Those who were absent were, Messrs. Addleman, Anthony, Arnold, Brown, Balding, Carr of Clark, Carr of Lawrence, Carnahan, Cassatt, Clark, Cravens, Crookshank, Deam, Decker, Ferguson, Fry, Fuller, Gordon, Griffis, Green, Hall of Posey, Hall of Warren, Hamilton, Hanna, Harding, Harlan, Hatfield, Hendricks, Hicks, Hill, Holland, Huddleston, Huff, Huffstetter, Jenison, Johnson, Jones of Blackford, Jones of Greene, Julian, Lemmonds, Lewis, Logan, Lutz, Mason, May, McCormack, Meredith, Miller, Monk, Neal, Norton, Nofsinger, Osborn, Palmer, Parker, Parks, Porter, Scott, Secrest, Shields, Stanfield, Stewart of Fayette, Stewart of Laporte, Suit, Summers, Tait, Tebbs, Thompson, Trimble, Wiley, Woodruff, Yaryan, and Young.

Mr. Dowling made the following report:

MR. SPEAKER:

The committee appointed on the part of the House to act with a similar committee on the part of the Senate to wait upon His Excellency, the Governor, and inform him that the House and Senate were through with all the business before them, and ready to adjourn *sine die*, and inquire if he has any further communications to make, have discharged that duty, and received for answer that he has no further communications, and that he embraces this opportunity to wish the members a safe and happy return to their respective homes, families, and friends.

On motion by Mr. Hull,

Resolved, That the clerk inform the Senate that the House of Representatives have gone through with the legislative business of the present session, and are now ready to adjourn *sine die*.

The following message was received from the Senate, by Mr. Jones, their secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have adopted the following resolution:

Resolved, That the secretary of the Senate be directed to inform the House of Representatives that the Senate have gone through with their legislative business, and are now ready to adjourn *sine die*.

Mr. Dowling then moved that the House do now adjourn *sine die*.

Whereupon the Speaker arose, and after a brief and appropriate address, adjourned the House *sine die*.

Attest, M. S. WARD,
Principal Clerk House of Representatives.
F. M. WILLIAMS,
Assistant Clerk.

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1	A bill for the extension of the time of holding the probate courts in the county of Putnam, -	27	44	52	91	91, 158	174
2	A bill in relation to new seals for Lawrence county, - - - - - - - - -	30	44	44	51	60	130
3	A bill relative to delinquent lands for non-payment of taxes, - - - - - - -	43	52, 181				
4	A bill for the correction of errors in patents issued by the State, - - - - - -	43	53, 117	140	288	331	331
5	A bill providing for a convention to revise and amend the constitution of the State, - -	43	53, 223, 278, 285,				
6	A bill to repeal an act on the subject of seminary trustees in Fayette county, - - - -	43	[319, 333, 357 53	75	217	299	300
7	A bill in relation to county roads, - - -	43	53, 149	197			
8	A bill to incorporate Decatur County Medical Society, - - - - - - - -	43	53	75	131	174	236
9	A bill to repeal an act therein named, - -	43	53				
10	A bill explanatory of an act therein named, -	43	53, 118	140	398	473	510
11	A bill relative to loaning school funds, - -	43	53, 189, 190, 265	303	679	696	710

12	A bill to provide for the issue of patents upon tax sales of Wabash and Erie Canal lands,	43	53, 98	98			
13	A bill to extend the time for redeeming lands sold for taxes,	44	53, 97				
14	A bill to legalize the publication of delinquent land sales in Shelby county,	44	53, 59	75	131	158	174
15	A bill relative to holding courts in the ninth judicial circuit,	44	53, 147	197	554	647	683
16	A bill to legalize the acts of the board of commissioners of Grant county,	45	45, 60, 67	67	91		130
17	A bill to repeal an act amending section 218, chapter thirty, page 267, Revised Statutes of 1843,	45	53, 80				
18	A bill to incorporate the town of Mount Vernon,	45	53, 189	208	398	509	597
19	A bill for the relief of purchasers of canal lands,	45	54, 100				
20	A bill for the relief of the heirs of Thomas Berry,	45	54, 60, 76, 115				
21	A bill to provide for a settlement with the former superintendent of the State Prison,	45	45	45	51	55, vetoed 84, 86	
22	A bill to declare the name of Ann Frankbower a misprint,	45	54	75	217	285	300
23	A bill relative to a school district in Hendricks county,	45	54, 120	140	219	237	331
24	A bill to repeal laws allowing docket fees, except in certain cases,	45	45, 58	75	217	285	300
25	A bill changing the time of holding probate courts in Delaware county,	45	54	75	217	285	300
26	A bill in relation to road tax in Elkhart county,	45	54	75	217	285	300

Number.	TITLE.	*Introduced.*	*Proceedings, &c.*	*Passed House.*	*Passed Senate.*	*Other Proceedings.*	*Approved.*
27	A bill for the better regulation of the county board of Warrick county, - - - -	51	77	92	219	236	236
28	A bill to repeal a certain law therein named, -	51	77	92	216	300	331
29	A bill to establish State roads in Steuben and De Kalb counties, - - - - - - - -	51	77	92	218	285	300
30	A bill to punish certain crimes therein named, - - - - - - - - - -	51	77				
31	A bill for the relief of Thomas Wood and John Curtis, - - - - - - - - -	52	101				
32	A bill on the subject of issuing and circulating small bills, - - - - - - - -	51	77, 120, 140, 182,				
33	A bill to incorporate the Clifty Band of Musicians, - - - - - - - - -	51	[320, 377, 590 77	92	288	331	331
34	A bill to increase the salaries of probate judges,	52	145				
35	A bill empowering the commissioners of Kosciusko county to hold real estate, - - -	52		75	218	237	331
36	A bill to elect a county surveyor by the people in Kosciusko county, - - - - - -	52	117, 161	208			

37	A bill authorizing masters in chancery to take acknowledgments, &c.,	51	77, 112				
38	A bill regulating the publishing of delinquent lists,	52	181, 203, 377, 378, [379, 380	439	559	632	683
39	A bill to vacate the town of Independence, in Laporte county,	51	77	92	218	237	288
40	A bill to authorize masters in chancery and county auditors to take acknowledgments, &c.,	51	77, 147	208	463	509	546
41	A bill to vacate streets and alleys in Noblesville, Hamilton county,	54	77	92	218	237, 256, 257	
42	A bill relative to the probate court of Fayette county,	60	77	92	218	237	288
43	A bill relative to swinging gates on highways,	61	77	92	218	237	288
44	A bill to vacate a part of the town of Blairsville, Posey county, Indiana,	61	77	92	218	299	300
45	A bill to postpone sales of forfeited canal lands east of the mouth of Tippecanoe river,	64	77, 78, 100				
46	A bill to repeal an act to amend fourth article, sixteenth chapter, Revised Statutes of 1843, so far as relates to Jackson county,	65		75	131	158	174
47	A bill repealing section one, chapter twenty-six, Revised Code of 1843,	64	78				
48	A bill in relation to probate courts of Miami county,	64	77	92	218	285	300
49	A bill to authorize the executors of Jacob Sinks to sell real estate,	65	466	513	559	632	683
50	A bill for the relief of Jacob Emshwiller, of Blackford county,	65	78, 99				

BILLS AND JOINT RESOLUTIONS OF THE HOUSE—*Continued.*

Number.	TITLE.	*Introduced.*	*Proceedings, &c.*	*Passed House.*	*Passed Senate.*	*Other Proceedings.*	*Approved.*
51	A bill repealing certain acts in relation to the county of Posey, - - - - - - -	65	101	128	288	331	331
52	A bill to repeal an act approved January 13, 1845, relative to supervisors of highways, -	65	78, 210				
53	A bill to amend certain acts therein named, -	65	113	140	288	331	332
54	A bill to provide for the gradual improvement of common roads, - - - - - - - -	65	78, 149				
55	A bill to repeal 9th and 18th sections, 1st article, chapter 35, Revised Statutes 1843, - -	65	77, 115				
56	A bill to repeal an act for the relief of the people of Noble, Lagrange, Steuben, and De Kalb, - - - - - - - - - -	70	92	106	219	237	236
57	A bill to amend an act to compel speculators to pay a road tax, - - - - - - -	70	92, 210				
58	A joint resolution in relation to the increase of the pay of volunteers, - - - - -	73	74, 92, 108	108			
59	A joint resolution relative to the land office at Winnemac, - - - - - - - -	74	93				

60	A bill fixing the time of holding courts in the 10th judicial circuit,	74	93	364	556	647		700
61	A bill to extend the time for receiving work on road tax,	74	93, 137	154	463	523		545
62	A bill to compel speculators to pay a road tax equal to that paid by actual settlers,	74	93, 137	154	463	530		545
63	A bill regulating chancery practice,	74	93, 263	303	555	598		644
64	A bill regulating district trustees of common schools,	74	93, 119					
65	A bill to amend first article, chapter 42, Revised Statutes, on the subject of mechanics' liens,	74	92	106	289	357		481
66	A bill to reduce the expenses of Floyd county,	75	93, 94, 175, 176, [177, 179	208	397	523		545
67	A bill fixing a time for the report of the trustees for educating the deaf and dumb,	75	94, 191	208	463	530		545
68	A bill to appoint appraisers of real estate in Orange county,	75	94	106	220	357		481
69	A bill defining the duties of clerks of the probate courts,	75	95, 134, 225, 243,	336	}			
70	A joint resolution to suspend the operation of an act in relation to the State Prison,	76	[to 256 inclusive. 92	303	}			
71	A bill to vacate streets and alleys in Orleans, county of Orange,	80	94	106	219	237		236
72	A bill relating to congressional township number four, range ten east, in Jefferson county,	81	95, 114					
73	A bill to amend an act for the relief of purchasers of canal lands,	82	101					
74	A bill for the relief of the voters of Warrick county,	82	95, 158					

Number.	TITLE.	*Introduced.*	*Proceedings, &c.*	*Passed House.*	*Passed Senate.*	*Other Proceedings.*	*Approved.*
75	A bill declaring part of Salt Creek a public highway,	83	95, 136	154	398	473, 529, 530, [641	[700 599
76	A bill defining the width of county roads in the counties of Clinton and Tipton,	83	116, 149	208	463	530	545
77	A bill to change the name of John Morris Smith,	88	197	129	288	357	481
78	A bill in relation to the county board of Tippecanoe county,	88	107	129	220	299	300
79	A bill to amend thirtieth section, chapter sixteen, Revised Statutes 1843,	89	107, 133	154	463	530	545
80	A bill for the benefit of Parke county seminary,	89	107	129	553	530	545
81	A bill for relief of the securities of James A. Kindle,	89		89	216	180, 194	220
82	A bill to repeal an act therein named, so far as relates to Shelby county,	89	107	129	218	285	300
83	A bill to extend the jurisdiction of justices of the peace,	89	107, 135				
84	A bill to reduce the price of the Revised Statutes,	89	107	129	288	331	332
85	A bill to repeal part of an act therein named,	89	107, 296				

86	A bill to extend a certain act to the county of Clinton,	90	193	208	463	523	545
87	A bill to provide for a settlement with superintendent of the State Prison,	95	98	99	131	139	153
88	A bill fixing the salary of the auditor of Miami county,	95	108, 129, 180, [468	678	708		722
89	A bill to amend the Statutes in regard to the collection of debts,	95					
90	A bill in relation to the service of subpœnas in chancery,	95	107, 134	154	558	647	700
91	A bill fixing the time of holding courts in the eighth judicial circuit,	95	107, 131	141	288	331	
92	A bill concerning petit jurors in Sullivan county,	96	107	129	288	357	481
93	A bill to postpone the payment of taxes assessed against volunteers,	97		98			
94	A bill for the relief of S. P. Morgan,	99	194	208	397	523	545
96	A bill for the improvement of the breed of horses and mules in Blackford county,	102	130, 141, 193	193	397	509	546
95	A bill incorporating the Delphi Manufacturing Company,	102	188	208	558	695	710
97	A bill to legalize the acts of the commissioners of Clinton county,	104		104	218	299	300
98	A bill to pay J. R. Morlridge, a contractor on Madison road,	104	188	208	330	357	529
99	A bill to amend the eighteenth, the nineteenth and twentieth sections, forty-first chapter, Revised Statutes 1843,	104	146	208			

Number.	TITLE.	*Introduced.*	*Proceedings, &c.*	*Passed House.*	*Passed Senate.*	*Other Proceedings.*	*Approved.*
100	A bill providing for the election of township assessors in Hancock county,	104	120, 162				
101	A bill to secure to Ohio county a share of the common school fund,	104		129	289	357	481
102	A bill to form a congressional township in Gibson county,	105	130	154	400	523	544
103	A bill to repeal an act for the protection of wild fruit in the counties of Lake, &c.,	105	130, 154, 192		463	523	546
104	A bill fixing a compensation to supervisors of roads and highways,	104	137				
105	A bill to enable defendants in State cases to take depositions,	105	130				
106	A bill to amend the charter of the Hagerstown Canal Company,	104	188	208	464	598	644
107	A bill to change the name of Francis A. Fisher and Minerva Ridge,	105		129	289	357	481
108	A bill in relation to proof of notice by publication,	105	135	154	553	530	545
109	A bill defining the duties of county treasurers,	105	130, 174	208	555	597	644

110	A bill to change the time of holding courts in the seventh circuit, - - - - - - - -	105	130, 265	329	692	719	723
111	A bill to vacate certain alleys in the town of Bloomington, - - - - - - - -	105	130	154	553	530	545
112	A bill to amend the laws in relation to executors, &c., - - - - - - - - - -	105	134, 140, 459				
113	A joint resolution on the subject of school section sixteen, township twenty-seven, range six, - - - - - - - - - -	109	131, 132	154	398	473	510
114	A bill to change the name of Ellen Loudenberger to that of Ellen Lomax, - - - - -	109	130	154	398	473	510
115	A bill to locate a State road in the counties of Grant and Richardville, - - - - -	109	130	154	400	453, 629, 647	682
116	A bill to change the name of Richardville county,	109		109	206	181	236
117	A bill to regulate the granting of license to travelling merchants and pedlars, - - - -	109	131, 174				
118	A bill amendatory of an act for the relief of Delaware and Grant counties, - - - -	121	155	209	463	523	545
119	A bill to amend an act granting a city charter to Madison and Lawrenceburgh, - - - -	121	155	209	397	388	482
120	A bill for the relief of W. M. Edmonston and Sarah A. Edmonston, - - - - -	121		155		174	220
121	A bill authorizing the sale of section sixteen, township twenty-seven, range seven east, -	121	155	209	463	509	546
122	A bill to authorize the State Bank to lay off lots adjoining South Bend, St. Joseph county, -	124	155	209	397	387	481
123	A bill to repeal the third section of an act to provide for the reappraisement of real estate,	124	155, 191	209	463	522	546

Number.	TITLE.	*Introduced.*	*Proceedings, &c.*	*Passed House.*	*Passed Senate.*	*Other Proceedings.*	*Approved.*
124	A bill relative to the probate court of Henry county,	125	156				
125	A bill to repeal the fourth section of an act to reduce salaries of Governor and other officers,	125	156				
126	A bill to amend section fifteen, chapter fifty-five, article eight, Revised Statutes of 1843,	125	156, 238				
127	A bill to extend the writ of garnishee in certain cases,	125	156, 182, 231				
128	A bill to regulate the mode of doing county business in Harrison county,	125	155	209	397	388	482
129	A bill declaring a certain act therein named to to be in force,	125		156	560	647	683
130	A bill to legalize the acts of the probate judge of Lagrange county,	125	156, 183	209	554	642	700
131	A bill authorizing the Secretary of State to make a deed in a certain case,	125	155	209	463	523	544
132	A joint resolution in relation to pre-emptions on the Miami Reserve,	128	155	209	397	401	510

133	A bill for the better payment of mortgages due the trust funds, - - - - - - - -	128	156				
134	A bill for the relief of certain persons therein named, - - - - - - - -	128	156, 166	221		237	236
135	A bill authorizing the collection of certain taxes therein named, - - - - - - - -	128	155	209	397	627	683
136	A bill exempting certain property from taxation in the county of Kosciusko, - - - -	128	156, 165, 166	209	554	647	682
137	A bill to authorize clerks of circuit courts to administer oaths, - - - - - - - -	136	155	209	553	529	545
138	A bill to locate a State road in Randolph and Wayne counties, - - - - - - - -	138	156, 187	209	462	522	545
139	A bill to establish a State road in the county of Dearborn, - - - - - - - - -	140	156, 187	209	400	509	546
140	A bill relative to docket fees in the Supreme Court, - - - - - - - - -	140	156				
141	A bill relative to roads in Putnam county, -	140	155	209	398	472	510
142	A bill to amend the ninety-first section, third article, chapter sixteen, and eighty-seventh and eighty-eighth sections of same article, Revised Statutes of 1843, - - - - - -	140	156, 316	329	558	333	710
143	A bill to improve highways in Bartholomew county, - - - - - - - - -	140	155	209	597	388	482
144	A bill to amend the execution laws, - -	144	209, 256, 532, 547 [to 552, 595, 679				
145	A bill to amend section four, article one, chapter forty-seven, Revised Statutes of 1843, -	146	209				
146	A bill to repeal an act changing the time of holding probate courts in Allen county, - -	146		267			

Number.	TITLE.	*Introduced.*	*Proceedings, &c.*	*Passed House.*	*Passed Senate.*	*Other Proceedings.*	*Approved.*
147	A bill to amend the fortieth section, chapter thirty-five of the Revised Statues of 1843, -	221	221, 277, 329				
148	A bill for the relief of John McIntire, Clark M. Anthony, and Joseph P. Glezen, - -	147	223	267	398	401	510
149	A bill authorizing the location of a State road in Kosciusko and Marshall counties, - -	150	221	268	462	522	
150	A joint resolution relative to the duties of the superintendent of the Central Canal, - -	151	221	268	462	523	
151	A joint resolution in relation to the claim of Francis Vigo, - - - - - - - -	151	221	268	398	401	510
152	A bill to amend chapter forty-eight, article five, of the Revised Statutes of 1843, - -	152	223, 294	358	553	509	546
153	A bill to provide for the completion of the State Prison, - - - - - - - - -	152	180, 203	204	224	237	
154	A bill to amend "An act to incorporate the trustess of the Indiana Asbury University," -	152	223, 258	268	463	522	544
155	A bill to locate a State road from Logansport to Miami, in Grant county, - - - - -	152	221	268	462	522	544

156	A bill in relation to the School Fund in Jackson county,	152	221	268	461	632	682
157	A bill relating to the retailing of spirituous liquors,	152	223				
158	A bill appointing a commissioner to locate a State road,	152	222	268	462	509	546
159	A bill authorizing a settlement with Gookins, Barnes, and Thomas,	152	222	268	388	401	482
160	A bill declaring an act therein named to be a misprint,	152	222	268	553	530	545
161	A bill for the safe-keeping of the records of Ohio county,	152	222	268	462	523	541
162	A bill for the benefit of Jesse Wolfe,	152	224, 321				
163	A bill to amend the forty-eighth and forty-ninth sections, article two, chapter twenty-nine of the Revised Statutes of 1843,	152	224, 262				
164	A bill to provide for the punishment of persons guilty of embezzlement,	156	225				
165	A bill defining the duties of county assessors,	161	225				
166	A bill to locate a State road in the counties of Wells and Adams,	163	222	268	462	522	544
167	A bill to locate a State road in the counties of Richardville and Carroll,	164	222	268	462	632	682
168	A joint resolution to Congress praying a confirmation of selections of lands to complete the Wabash and Erie Canal,	164		164	559	721	725
169	A bill for the improvement of the Cambridge City and Fort Wayne State roads in Wells county,	180	222	268		522	545

Number.	TITLE.	*Introduced.*	*Proceedings, &c.*	*Passed House.*	*Passed Senate.*	*Other Proceedings.*	*Approved.*
170	A bill for the better protection of Religious Assemblies, - - - - - - - - -	184	222	268	461	523	545
171	A bill to locate a portion of a State road in Carroll county, - - - - - - - -	187	222	268	461	522	544
172	A bill to relocate a portion of a State road in Carroll county, - - - - - - - -	187	225				
173	A bill to amend an act in relation to the northern division of the Central Canal, - - - -	192	225, 575, 615	616	691	692, 719	
174	A bill for the relief of James Kitchens, of Gibson county, - - - - - - - -	193	222	268	553	530	545
175	A bill to locate a State road in the counties of Grant and Madison, - - - - - - -	194	222	268	461	522	545
176	A joint resolution relative to the Cumberland Road, - - - - - - - - -	196	222	268			
177	A joint resolution in relation to actual settlers on Congress lands, - - - - - - -	196	222	268	461	597	645
178	A bill to incorporate the Logansport and Wabash Free Bridge Company, - - - -	196	222	268	556	707	

179	A bill in relation to divorces in the circuit court,	196	226				
180	A bill to legalize the acts of Solomon M. Semans, a justice of the peace in Randolph county, -	196	222	268	553	530, 599, 630	599
181	A bill for the protection of the property of married women, - - - - - - - -	196	224, 294, 359	360	558	647	682
182	A bill regulating the fees of jurors and witnesses, before justices of the peace, - - - -	196					
183	A bill transferring the duties of school commissioner of Crawford county to the treasurer,	196	222	268	398	401	510
184	A bill to amend an act for the relief of James S. Mayes, school commissioner of Knox county,	196	222	268	553	530	545
185	A bill to incorporate the trustees of the Underwood Burying Ground, - - - - -	197	222	268	461	509	546
186	A bill to provide for the recording of bonds and letters of guardianship, - - - - -	197	226, 242	269	553	530	545
187	A bill to incorporate the Kosciusko Medical Society, - - - - - - - - -	197	222	269	555	568	596
188	A bill to change the name of Anna James to that of Anna Churchman, - - - - -	197	222	269	553	598	644
189	A bill to authorize Gabriel Johnson to build a mill dam across the Mississinnewa river, - -	200	222	269	553	598	644
190	A bill dissolving the bonds of matrimony between David Raleigh and Jane Raleigh, - -	201					
191	A bill in relation to county treasurers, - -	201	226				
192	A bill authorizing deeds in certain cases to be made, - - - - - - - - -	201	225, 226, 261, 513	602	712	719	723
193	A bill to abolish the taking of depositions in chancery, - - - - - - - - -	201	226				

BILLS AND JOINT RESOLUTIONS OF THE HOUSE—*Continued.*

Number.	TITLE.	*Introduced.*	*Proceedings, &c.*	*Passed House.*	*Passed Senate.*	*Other Proceedings.*	*Approved.*
194	A bill to amend the fifth section, chapter twelve, Revised Statutes 1843, - - - - -	203	226, 264, 315	358			
195	A bill to locate a State road in Randolph and Wayne counties, - - - - - -	204	222	269	353	598	644
196	A bill to authorize Jonathan W. Elliott to use water power at Mt. Pleasant Mills, in Noble county, - - - - - - - - - -	205	222	269	553	598	683
197	A bill to incorporate the Institute of Fine Arts at Bowling Green, Clay county, - - -	207	222	269	553	599	644
198	A bill requiring the Indiana Mutual Fire Insurance Company to report to the Legislature,	207	222, 269				
199	A bill for the relief of Dempsey Linton of Randolph county, - - - - - - -	207	226, 273	358			
200	A bill to amend section thirty-four, article five, chapter twelve, Revised Statutes 1843, -	207	226				
201	A bill to amend section 103, article four, chapter sixteen, Revised Statutes 1843, - - -	207	226, 238				
202	A bill to anend chapter 1, Revised Statutes 1843,	207	225, 263	358	554	598	

203	A bill to authorize the Johnson circuit court to hold adjourned sessions,	207	223	269			
204	A bill to preserve the health of the inhabitants residing along the canals in this State,	207	226, 295, 359				
205	A bill for the improvement of the river Patoka, in Gibson county,	208	223	269	626	632	683
206	A bill making rivers boundary lines for road districts, in Huntington county,	211	269	358	554	599	644
207	A bill to locate a State road in the counties of Wells, Blackford, and Jay,	212	269	358	461		546
208	A bill to establish an institution for the education of the blind,	212	267, 290, 380	439	555	720	725
209	A bill to define the boundary line between the counties of Gibson and Warrick,	212	269	358	463	523	545
210	A bill to legalize the election of trustees in the town of Vernon, Jennings county,	213	269	358	554	597	644
211	A bill to repeal an act regulating tax in the county of Jasper,	213	269	358	554	597	644
212	A bill,		532				
213	A bill to establish a certain State road therein named,	215	269	358	554	597	644
214	A bill to amend section 128, chapter sixteen, Revised Statutes 1843,	215	269	358	558	568	597
215	A bill to amend an act granting to Madison and Lawrenceburgh a city charter,	215	270, 314	358	462	632	683
216	A bill for the relief of the volunteers of the State of Indiana,	215	270	270	399		510
217	A bill fixing the time of holding probate courts in Marion county,	215	270, 278	358	555	568	596

Number.	TITLE.	*Introduced.*	*Proceedings, &c.*	*Passed House.*	*Passed Senate.*	*Other Proceedings.*	*Approved.*
218	A bill to amend an act to extend an act in Madison county,	215	269	358	554	599	644
219	A bill to appropriate necessary means for executing the laws in arresting fugitives from justice,	215	269	368			
220	A joint resolution of the General Assembly of the State of Indiana,	225	269	358	463	523	546
221	A bill to declare the meaning of an act therein named,	233	493	513			
222	A bill to amend section 414, chapter forty, Revised Statutes 1843,	233	270, 322	359	558	568	597
223	A bill to extend the provisions of the sixth clause of section 165, chapter twelve, Revised Statutes 1843,	238	270				
224	A bill relative to granting letters of guardianship,	239	269	359	554	647	700
225	A bill to compel non-residents to pay a road tax equal to residents,	240	271	359	555	568	
226	A bill to vacate certain streets and alleys in Cambridge City,	241	269	359	463	523	546

227	A bill for the relief of Wm. Taggart and his securities, - - - - - - - - -	241	270	359	463	523	544
228	A bill to legalize the acts of the board of commissioners of Adams county, - - - -	242	270	359	463	522	544
229	A bill to amend the school law, - - - -	242	271, 344				
230	A bill for the relief of purchasers of saline lands in Orange county, - - - - - - -	242	270	359	554	598	644
231	A bill to legalize certain proceedings of the probate court of Allen county, - - - -	258		258	559	598	644
232	A bill for the relief of E. F. Lucas, - -	243	271, 373, 381, 539				
233	A bill for the relief of Thomas Ross, - -	258	271, 538				
234	A bill to change the name of William Chill, -	258		258	626	631	
235	A bill to legalize the acts of the auditor and board of commissioners of Sullivan county, - -	259	270	359	555	568	596
236	A bill to vacate certain streets and alleys in South Greencastle, Putnam county, - -	259	270	306	331	331	332
237	A bill to provide for the election of prosecuting attorneys by the people, - - - - -	259	271, 276, 360, 373	374	539	720	726
238	A bill to amend the Cambridge and Muncietown turnpike road company, - - - - -	259	270	359	677	681, 715, 718	
239	A bill to elect supervisors by districts in the counties of Wabash and Boone, - -	259	270	359	554	597	644
240	A bill to incorporate the Christian Church in Randolph county, - - - - - -	259	270	359	462	523	544
241	A bill to amend an act to incorporate the town of Columbus, Bartholomew county, - -	259	271, 346	439	558	647	683
242	A bill to incorporate Jackson Lodge of the ancient order of Eclampses Vitus, - - -	259	272, 345				

Number.	TITLE.	*Introduced.*	*Proceedings, &c.*	*Passed House.*	*Passed Senate.*	*Other Proceedings.*	*Approved.*
243	A bill to authorize the receiving of road tax separate from other taxes, - - - -	259	270	359	628	647	682
244	A bill to amend the charter of Cambridge City,	259	270	359	554	598	644
245	A bill for the relief of Joseph Jackson, - -	259					
246	A bill to authorize writs of *ne exeat*, - -	262	381	441	560		683
247	A bill to subject certain kinds of personal property to the payment of debts by bill in chancery, - - - - - - - -	263	382				
248	A bill to locate a State road, - - - -	264	382	439	556	568	596
249	A bill to provide for the plan of a State building to be erected in the city of Indianapolis, -	265	384				
250	A bill in regard to the former surplus revenue agent in Perry county, - - - -	265	382	439	556	546	631
251	A bill to settle a claim of Adam Moderwell, -	272	320, 391	392	556	546	599
252	A bill to provide for a superintendent of common schools, - - - - - - - -	273	342, 404				
253	A bill to vacate certain alleys in the town of Greencastle, Putnam county, - - -	274	382	439	562	647	689

254	A bill to change the name of Eliza Ann Camden,	275		383	554	597	644
255	A joint resolution to Congress for a grant of cerlands in Gibson county,	276	382	439	558	568	596
256	A bill to provide for the election of a justice of the peace in Boone county,	276	383	440	717	720	724
257	A bill to incorporate the Columbus Bridge Company,	277	383, 588	625	717	721	726
258	A bill in regard to suits brought by practising physicians,	277	384, 570				
259	A joint resolution relative to the St. Joseph river,	285	384, 385, 441	442			
260	A joint resolution in relation to the selection of seats in the next Legislature,	286					
261	A joint resolution expressive of the approbation of the General Assembly of the State of Indiana in the Mexican war,	285	385				
262	A bill to secure the rights of stockholders in incorporated companies, &c.,	286	384				
263	A bill to incorporate the White River Canal Company,	286	405, 465, 711	440			
264	A bill for the protection of farmers,	286	406	440			
265	A bill to vacate certain streets and alleys in the town of Noblesville, Hamilton county,	286		287	399	473	510
266	A bill to improve the Michigan Road in Carroll county,	286	383		626	632	682
267	A bill to change the mode of doing probate business,	287					

Number.	TITLE.	*Introduced.*	*Proceedings, &c.*	*Passed House.*	*Passed Senate.*	*Other Proceedings.*	*Approved.*
268	A bill to authorize the probate judge of the county of Dearborn to take acknowledgments, &c.,	286	384, 389, 472	513	560	598	
269	A bill to amend an act to provide for opening roads in Gibson and Pike counties,	286	383	440	626	632	683
270	A bill to afford a more efficient remedy in actions of trespass,	287	404, 442				
271	A bill to amend the eighth section of an act regulating fees and salaries, approved Feb. 7, 1831,	287	322	359	463	509	546
272	A bill to amend section seventy, chapter thirty-seven, part third, article first, Revised Statutes of 1843,	287	402	440	626	647	682
273	A bill defining the mode of publishing the delinquent list in Clinton county,	286	386, 593				
274	A bill to amend the 144th section of chapter thirty, Revised Statutes of 1843,	286	383	404	556	568	597
275	A bill to incorporate the Greenfield and Shelbyville Railroad Company,	287	327	395	558	696	724

276	A bill for the improvement of common schools,	287	339, 342, 404					
277	A bill to amend the act regulating the proceedings under the writ of *ad quod damnum*, -	287	404	440				
278	A bill in relation to roads and highways in Lagrange county, - - - - - - -	287	365	440	626	632		
279	A bill to extend the jurisdiction of justices of the peace in Lagrange county, - - -	287	326	359	554		643	
280	A bill to legalize the acts of the school commissioner of Harrison county, - - -	287	383	440	626	632		
281	A bill relating to the auditor's fees in Bartholomew county, - - - - - - -	286	383, 390, 473	513	560	647	700	
282	A bill dispensing with riding bailiffs to grand jurors, - - - - - - - - -	286	384					
283	A bill to legalize the qualifications of sheriff of Wabash county, - - - - - -	292		293	399	473	510	
284	A bill to further provide for the erection of the hospital for the insane, - - - - -	293	296	359	488	598	683	
285	A bill for the relief of L. Q. DeBruler, of Dubois county, - - - - - - - -	293						
286	A bill to relocate a State road in the county of Vigo, - - - - - - - - -	295	383	440	558	568	596	
287	A bill for the relief of lessees of water power at Wabash dam number four, in the county of Carroll, - - - - - - - - -	296	383	440	717	722		
288	A bill to relocate a State road from Rushville to Laurel, - - - - - - - - -	314	383	440	626	632	682	
289	A bill to amend an act relative to leveeing the Wabash river on Shaker prairie, - -	315	383	440	556	568	597	

Number.	TITLE.	*Introduced.*	*Proceedings, &c.*	*Passed House.*	*Passed Senate.*	*Other Proceedings.*	*Approved.*
290	A bill to repeal an act to confine voters to their respective townships so far as relates to Owen county, - - - - - - - - -	315	386, 409, 443				
291	A bill to incorporate the town of Muncie, in Delaware county, - - - - - - -	316	383	440	556	568	596
292	A bill to change the mode of obtaining license to retail spirituous liquors in Decatur county,	317	541, 679				
293	A bill to repeal a certain act therein named, -	319	384, 578	578	642	707	711
294	A bill supplemental to an act fixing the time of holding courts in the eighth circuit, - -	320	384				
295	A bill to form a new county out of Washington and Harrison, - - - - - - -	320					
296	A bill to improve the roads in Centre township, Dearborn county, - - - - - -	320	383	440	562	530	545
297	A bill to extend the privileges of the State Library, - - - - - - - -	320	386				
298	A bill more fully to explain section fifty-four, chapter sixteen, of the Revised Statutes, 1843,	320	383	440	676	707	710

299	A joint resolution in relation to settlers on the Great Miami Reserve,	320	383	440				
300	A bill for the relief of Henry Wells, sheriff of Lake county,	320	383	440	562	598	644	
301	A bill relative to road tax in Laporte county,	320	383	440	626	632	682	
302	A bill to loan funds to the Indiana Asbury University,	323						
303	A bill for the relief of the inhabitants of district number six, township two, range two east, in Orange and Washington counties,	323	383	440	562	598	644	
304	A bill to reorganize and regulate the militia of the State of Indiana,	324	386, 392, 459	460				
305	A bill to locate a State road between the counties of Noble and Lagrange,	326	383	440	556	568	597	
306	A joint resolution in relation to Wabash and Erie Canal scrip,	329	386, 473, 476, 639					
307	A bill to change the time of holding probate court in St. Joseph county,	329		329	461	509	546	
308	A bill to regulate the price of tax deeds,	329	386, 387	440				
309	A bill amendatory to the thirtieth chapter of the Revised Statutes of 1843,	329	384, 572	572	643	647	682	
310	A bill providing for the fees of the auditor of Hancock county,	329	383	440	562	598	644	
311	A bill to amend an act relative to overseers of the poor,	329	383	441	556	632	682	
312	A bill fixing the time of holding courts in the 8th judicial circuit,	333		333	554	598	683	

BILLS AND JOINT RESOLUTIONS OF THE HOUSE—*Continued.*

Number.	TITLE.	*Introduced.*	*Proceedings, &c.*	*Passed House.*	*Passed Senate.*	*Other Proceedings.*	*Approved.*
313	A bill to provide for the improvement of common schools, - - - - - - - - -	342	389	441			
314	A bill to provide for the payment of expenses of selecting lands for the Wabash and Erie Canal to the Ohio river, - - - - - -	347	390, 459	513	700	720	725
315	A bill to authorize the surrender of canal lands in certain cases, - - - - - -	347	390, 587				
316	A bill to authorize a bridge to be built at Wabash dam, number four, in Wabash county,	348	389	441	556	568	597
317	A bill to attach additional territory to the county of Blackford, - - - - - - -	348	390				
318	A bill to amend an act to provide for the appointment of township assessors in Washington county, - - - - - - - - -	355	390, 467	513			
319	A bill relative to grand juries in Washington county, - - - - - - - - -	355	389	441	562		644
320	A bill to regulate the time of holding courts in the fourth judicial circuit, - - - - -	355	389, 443, 487	513	560	632	683

321	A bill authorizing the commissioner of the Wabash and Erie Canal to receipt for moneys heretofore paid,	355	389	441	628	647, 683, 697	
322	A bill to locate a State road in the counties of Posey and Vanderburgh,	365	389	441			
323	A bill for the relief of A. Hendricks & Son,	366	389, 443, 444	445		546	
324	A joint resolution relative to the removal of the remains of the Hon. T. A. Howard,	366					
325	A joint resolution on the subject of education,	368	389	445			
326	A joint resolution in relation to pre-emptions on the Miami Reserve,	368	390				
327	A joint resolution prohibiting the acquiring of slave territory from the republic of Mexico,	368	368, 390				
328	A joint resolution on the subject of the Wabash and Erie Canal,	368	390, 659				
329	A joint resolution on the subject of the treachery of Santa Anna,	370					
330	A bill to incorporate the Jefferson Manufacturing Company,	371	588	588	712	721	724
331	A bill to incorporate the Covington Drawbridge Company,	372	391	602	676	702	710
332	A bill for the relief of Alfred B. Nesbit, of the county of Posey,	372	389	445			
333	A bill for the relief of Hardy Cain,	372	391				
334	A bill for the improvement of county libraries,	372	389	445	692		723
335	A bill to regulate the selection of jurors in Washington county,	372	389	445	717	721	725

BILLS AND JOINT RESOLUTIONS OF THE HOUSE—*Continued.*

Number.	TITLE.	*Introduced.*	*Proceedings, &c.*	*Passed House.*	*Passed Senate.*	*Other Proceedings.*	*Approved.*
336	A bill to regulate the jurisdiction of justices of the peace in criminal cases, - - - -	372	390, 542				
337	A bill to authorize settlers on public lands to petition for county roads, - - - - -	372	389	445	561	568	597
338	A bill to provide for German schools in Hancock county, - - - - - - - - -	372	393, 394, 466, 626				
339	A bill in relation to the probate judge of Fountain county, - - - - - - - -	372	390	445	562	598	643
340	A bill to legalize the marriage of Wm. Howell and Mary Howell, - - - - - - -	372	390				597
341	A bill to amend an act therein named, - -	373	390	445	560	598	643
342	A bill to authorize N. H. Beck and H. Wilcox to build a mill dam across the Iroquois river, - - - - - - - - -	373		445	560	647	700
343	A bill regulating the jurisdiction of justices of the peace in Switzerland county, - - - -	373	390	445			
344	A bill to authorize the formation of voluntary associations, - - - - - - - -	372	402	446	692	719	723

345	A joint resolution for the completion of the new State Prison and other buildings, - -	394		393	556		597
346	A bill to incorporate the city of Indianapolis,	395	508, 604	605	680	695	710
347	A bill to provide for a more speedy collection of seminary and common school funds, - -	402	452, 605	570			
348	A bill for the improvement of common schools in the State of Indiana, - - - - -	405	446, 447, 448, 449	450			
349	A bill for the relief of George P. Smith, -	406	453				
350	A bill in relation to the side cut constructed by the Delphi Storage and Forwarding Company, - - - - - - - - -	407	470	513			
351	A joint resolution in reference to the protection of American industry in all its various branches,	407	456	513			
352	A bill to change the line between the counties of Laporte and St. Joseph, - - - - -	409					
353	A bill supplementary to an act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville, approved January 19, 1846, -	410	[511, 651 [to 500, 501 to 507, [482, 485, 490, 495 435, 453, 478, 479,	511	684	690, 699, 720	723
354	A bill authorizing the Governor to contract for the completion of the State Prison, - -	436	469, 489, 525, 527	602	676	707	723
355	A joint resolution on the subject of slavery, -	436	455, 456				
356	A joint resolution in relation to holding a session of the Supreme Court of the United States west of the mountains, - - - - -	437	456	513	718	721	725
357	A joint resolution in regard to a hospital for the insane, - - - - - - - - -	437	456	513	626	632	682
358	A bill to quiet titles to lands in Clark's grant, -	438	539	602	676		711

Number.	TITLE.	*Introduced.*	*Proceedings, &c.*	*Passed House.*	*Passed Senate.*	*Other Proceedings.*	*Approved.*
359	A bill to establish an election precinct in Perry county,	438	457	513	560		682
360	A bill fixing the salary of the auditor of Boone county,	438	456	513	628		700
361	A bill fixing the fees of the auditor of Randolph county,	438	456	513	717	702	724
362	A bill to legalize the marriage of Celia Lowder and Henry Purdue of Daviess county,	438	457	513	560	598	644
363	A bill to attach additional territory to the county of Crawford,	438	457				
364	A bill to provide an additional place of holding election in Clark county,	438	457	513	560	632	683
365	A bill to locate a road in the counties of Miami, Howard, and Madison,	438	457	513	717	722	724
366	A bill providing for the election of township assessors in Hancock county,	439	471	514	560	598	644
367	A bill to provide for opening certain streets in the town of Indianapolis,	438	457, 514				

368	A bill to change the time of holding probate court in Parke county, - - - - -	438	457	514	560	597	644
369	A bill declaratory of the powers of the president and associate judges to enforce injunctions in vacation, - - - - - - - - -	438	457	514	602	697	[724 710
370	A bill to amend the acts now in force in regard to sending students to the State University,	439		439	692		723
371	A bill authorizing the Governor to issue a patent for a certain tract of canal land, - -	438	457		717	720	725
372	A bill to provide for publishing the general laws of this State, - - - - - - - -	438	457, 572				
373	A bill to authorize the people of the several counties to prohibit the retailing of spirituous liquors, - - - - - - - - -	468	514	515	714	720, 722	724
374	A bill declaring Little Blue river a public highway in Rush county, - - - - - -	470	527	602	676		723
375	A bill to prevent the spread of Canada thistles,	471	528, 594	625	718	721	725
376	A bill for the relief of the White Water Valley Canal Company, - - - - - - -	471	528, 575, 576, 584, [586	586	641	701	
377	A bill relative to overseers of the poor in Floyd county, - - - - - - - - -	471	527	602	641	702	700
378	A bill to legalize an act of the board of county commissioners of Elkhart county, - -	472	527	602	676	695	725
379	A bill for the relief of Michael McCall, - -		528, 539	602	676	678	723
380	A bill to raise a revenue for State purposes for 1847, - - - - - - - - -	476	528	602	690	707	710
381	A joint resolution in relation to the "School Friend" newspaper, - - - - - -	476	527	602			

Number.	TITLE.	*Introduced.*	*Proceedings, &c.*	*Passed House.*	*Passed Senate.*	*Other Proceedings.*	*Approved.*
382	A bill authorizing certain officers therein named to refund moneys, &c., - - - - -	476	528, 607				
383	A bill supplementary to an act for the relief of David Burr, - - - - - - -	476	528, 587				
384	A bill to pay the witnesses in the impeachment case of George Johnson, - - - - -	479	485	485	485	509	510
385	A bill to amend an act incorporating the town of Connersville, in Fayette county, - -	479	527	602	676	697	710
386	A joint resolution in relation to granting land to Mr. Whitney to construct a railroad, &c., -	483	527	602	677	695	
387	A bill to amend an act for the relief of William H. Darnall and securities, - - - - -	483	527	602	676	697	710
388	A bill authorizing county commissioners of the county of Noble to make certain allowances, &c., - - - - - - - - - -	483	527	602	676	702	700
389	A bill for the relief of John Zulauf, - -	483	531	678	713	720	725
390	A bill to repeal an act to regulate the attendance of jurors in Hendricks county, - - -	484	529	602	676	702	709

391	A bill to amend the thirty-ninth chapter, Revised Statutes of 1843, in regard to the duties of probate courts, - - - - - - - -	484	531, 659					
392	A bill for the relief of certain tax payers in Gibson county, - - - - - - - -	484						
393	A bill to provide for a settlement with Jesse and Elias Beard, - - - - - - - -	484	574, 605, 608					
394	A bill authorizing a school district in St. Joseph county to levy a tax, - - - - - -	484	527	602	676	696		710
395	A bill to authorize county auditors to sell real estate in certain cases, - - - - -	484	529					
396	A bill to amend an act to incorporate the New Albany and Corydon Turnpike Company, -	486	529					
397	A bill to change the name of Ann Amanda Woodward, - - - - - - - -	488	527	602	676	702		709
398	A bill to authorize Michael English to build a mill dam across the Salamania river, - -	488	527	602	676			700
399	A bill to encourage manufactures, - - -	490						
400	A bill in relation to the seminary of the county of Laporte, - - - - - - - -	491	527	603	676	702		700
401	A bill to authorize the auditor of Harrison county to make a deed, - - - - - - -	491	527	603	676	707		710
402	A bill for the relief of the estate of Wm. N. Hood, deceased, - - - - - - -	491	527	603	699	719		723
403	A bill to amend an act to incorporate the Eel river seminary, - - - - - - -	491	530	592	699			722
404	A bill to repeal an act relative to roads in Orange county, - - - - - - - - -	491	527	603	713	719		723

BILLS AND JOINT RESOLUTIONS OF THE HOUSE—*Continued.*

Number.	TITLE.	*Introduced.*	*Proceedings, &c.*	*Passed House.*	*Passed Senate.*	*Other Proceedings.*	*Approved.*
405	A bill to extend the time of payment of interest on certain funds therein named, - - -	491	530, 581	603	713	719	723
406	A bill in relation to impeachments, - -	491					
407	A bill to legalize the election of a justice of the peace in Clark county, - - - - -	491	527	603	713		725
408	A bill to amend the law in relation to license to tavern keepers in Fountain county, - -	491	528	603			
409	A bill in reference to decrees in divorce cases,	491	531, 571, 605				
410	A bill to regulate the practice in case of impeachment, - - - - - - - - -	491	531, 569	605	713		725
411	A bill to locate a State road in the counties of Cass and Pulaski, - - - - - -	491	528	603	699	696	711
412	A bill to locate a State road in the county of Hamilton, - - - - - - - -	492	528	603	676	695	711
413	A bill to locate a State road in the county of St. Joseph, - - - - - - - - -	492	528	603	676	695	710
414	A bill to authorize the erection of an institution for the education of the deaf and dumb, -	492		515			

415	A bill in relation to a school district in Lagrange county, - - - - - - - -	494		515	718	722	724
416	A bill for the relief of James Boyer, of Clark county, - - - - - - - -	494	528	603	676	696	723
417	A bill providing for holding a special term of the circuit court in Jefferson county, - -	494	528	515	560	598	643
418	A bill to establish a public highway in the county of Boone, - - - - - - - -	494		603	676	707	700
419	A bill to change the name of New York, in the county of Switzerland, - - - - -	494	528	603	676	696	710
420	A bill to abolish the office of probate judge in Allen county, - - - - - - -	494	572				
421	A bill authorizing the loaning of university and college funds to the State, - - - - -	494	531, 573	603			
422	A bill for the relief of John Briggs, - -	501	574	603	690	696	711
423	A bill to change the time of holding the probate court in Ripley county, - - - - -	501			563	568	597
424	A bill to establish a free turnpike road in Allen, Whitley, Kosciusko, and Marshall counties,	512	531	603	676		
425	A bill for the relief of the First Regular Baptist Church of Logansport, - - - - -	512	532	603			
426	A bill to provide for electing an additional justice of the peace in Wayne county, - - -	512	531	603	677	707	711
427	A bill relative to school funds in the county of Dearborn, - - - - - - - -	512	532	625			
428	A bill to explain and carry into effect the provisions of the seventeenth section, chapter fifty-four, Revised Statutes of 1843, - - -	512	531, 678				

Number.	TITLE.	*Introduced.*	*Proceedings, &c.*	*Passed House.*	*Passed Senate.*	*Other Proceedings.*	*Approved.*
429	A bill changing the time of holding the probate court in Jefferson county, - - - - -	512	531	603	677	702	700
430	A bill to provide for a settlement of accounts of the three per cent. fund of Orange county, -	512	531	603	677	707	711
431	A bill to regulate the sale of ardent spirits in Randolph county, - - - - - - - -	512	532	679	713	722	724
432	A bill providing for the sale of school section in township twenty-five, range two east, -	512	532	603	699	696	
433	A bill to amend an act in relation to letting the public works to private companies, approved January 28, 1842, - - - - - -	512	532	603	628	647	682
434	A joint resolution relative to the Public Printing,	522	532	604	712	719	723
435	A bill for the relief of Robert Earl, - - -	522	532	616			
436	A bill for the relief of the sufferers by the late flood,	531	580, 610	643	681	719	723
437	A bill to abolish the office of county auditor in the county of Sullivan, - - - - -	536		604	713	719	723
438	A bill to revive an act to incorporate the Lafayette Insurance Company, - - - - -	536	588	625			

439	A bill for the relief of Carey S. Goodrich, -	536	620	648	713	721	725
440	A bill to vacate a certain alley in the town of Greencastle, - - - - - - -	537		537	641	701	700
441	A bill for the relief of John Carter, of Brown county, - - - - - - - -	537	620	648	704	719	723
442	A bill to allow the county commissioners to repair a bridge in Wells county, - - -	537		604	713	720	726
443	A bill to improve a certain road therein named,	537		604	713	720	
444	A bill for the relief of Elias Murray, - -	538		617	714	719	723
445	A joint resolution relative to the removal of the remains of the Honorable Tilghman A. Howard, - - - - - - - - -	539		539	642	702	700
446	A bill to legalize certain proceedings in Tippecanoe county, - - - - - - -	539		539	630	647	682
447	A bill to incorporate the town of Williamsburgh, Wayne county, - - - - - -	542		604	677	696	710
448	A bill for the relief of Margaret Wade, and to amend the act to incorporate the Lagrange Phalanx, - - - - - - - -	542		617			
449	A bill for the relief of William Smith, - -	542		607	641	702	700
450	A bill making general appropriations for the year 1847, - - - - - - - -	552	620	648	713	721	724
451	A joint resolution legalizing the acts of Benjamin A. Allison, administrator, &c., - - - -	571		571	642	702	709
452	A bill to incorporate the Napoleon and Greensburgh Turnpike Company, - - - -	577	588	621	642	702	711
453	A bill making appropriations to J. R. Pratt & Co. for work done on the new State Prison, -	577	601	625	677	702	700

Number.	TITLE.	*Introduced.*	*Proceedings, &c.*	*Passed House.*	*Passed Senate.*	*Other Proceedings.*	*Approved.*
454	A bill to extend the jurisdiction of justices of the peace in Fayette county, - - - - -	577	620	648	713	720	725
455	A bill to abolish the office of school commissioner of Sullivan county, - - - - - -	579		579	680	715, 716, 722	724
456	A bill to legalize certain acts of Solomon M. Semans, a justice of the peace, &c., - -	579		579	641	702	700
457	A bill to prevent the circuit and probate court of Marion county from sitting at the same time,	579	620	648	713	719	723
458	A bill to repeal a certain act therein named, -	579		604	699	696	711
459	A bill to amend an act to incorporate the town of Delphi, - - - - - - -	579		604	713	721	726
460	A bill in relation to road tax in the county of Grant, - - - - - - - -	579		604	713	719	723
461	A bill for the relief of John Williams, of Washington county, - - - - - - -	580		604	713	721	725
462	A bill authorizing deeds to township college lands in Monroe county, - - - - -	580		617	641	702	700
463	A bill for the relief of Andrew Wilson, - -	580		604	641	702	709

463	A bill to incorporate the Richmond and Terre Haute Railroad Company, - - - - -	581		591			709
464	A bill to repeal all local laws on the subject of roads in Lawrence county, - - - -	582		582	642	695	711
465	A bill giving power to the Commissioners of the Sinking Fund in a certain case, - - -	589		589	712	720	724
466	A bill authorizing the Commissioners of the Sinking Fund to receive substitution of stock, &c., - - - - - - - - - - -	589		589	709	722	725
467	A bill to abolish an act therein named, - -	591	617				
468	A bill to constitute Carlisle and vicinity a road district, - - - - - - - - -	592		592	677	696	710
469	A bill for the relief of the treasurer of Johnson county, - - - - - - - - -	592		593	677	696	710
470	A bill to declare a mistake in the Revised Statutes of 1843, - - - - - - - - -	593	595, 657	593			
471	A bill for the relief of Alpha Buckly, of Miami county, - - - - - - - - -	593		625	714		723
472	A joint resolution in relation to the Buffalo and Mississippi Railroad, - - - - - -	599		599	677	697	710
473	A bill regulating the giving of notice of a suit in the Wayne circuit court, - - - - -	600		600	713	720	724
474	A bill to legalize the election of the mayor, &c., in Delphi, - - - - - - - - -	600		600	677	696	710
475	A bill to enable J. F. Goddard to sue his wife,	600					
476	A bill for the suppression of obscene books, -	601	609	609	714	720	725
477	A bill to extend an act for the preservation of sheep, - - - - - - - - -	600		601	641	720	711

BILLS AND JOINT RESOLUTIONS OF THE HOUSE—*Continued.*

Number.	TITLE.	*Introduced.*	*Proceedings, &c.*	*Passed House.*	*Passed Senate.*	*Other Proceedings.*	*Approved.*
478	A bill to secure water power to lessees, at Waverly, in Morgan county,	601					
479	A bill to provide for the election of township assessors in Brown county,	601		625	718	720	724
480	A bill to vacate a part of the town of Milford, in Kosciusko county,	600		600	677	707	710
481	A bill in relation to the Madison county seminary,	600		600	713	720	724
482	A bill to authorize Lawrence county to use new seals,	600		600	677	707	711
483	A bill to apply the three per cent. fund, in Ripley county to certain roads,	600		600	641	696	710
484	A bill authorizing suits to be commenced in the Knox circuit court,	600		600	677	707	710
485	A bill to amend certain laws therein named,	602	618	658			
486	A bill to authorize the superintendent of Wabash and Erie canal to refund certain moneys,	601	618				
486	A joint resolution in relation to the extension of slavery,	618		649			

487	A bill to secure the sinking fund, - - -	608	609					
488	A bill to amend an act to incorporate the Madison and Napoleon turnpike company, -	608		608				
489	- - - - - - - - - -							
490	A bill to legalize the acknowledgments of deeds taken by the probate judge of Knox county,	615		615	641	707		711
491	A bill for the relief of Mary A. Johnson, -	616		616	717	720		724
492	A joint resolution in relation to the Mexican war, - - - - - - - - -	625		626				
493	A bill to incorporate the Bazil Steam Mill Company, in Clay county, - - - - -	626		626	718	721		724
494	A bill to protect stock running at large, -	626		626	714	720		724
495	A bill for the relief of the White Water Valley Canal Company, - - - - - -	635	675					
496	A bill to amend the thirty-eighth chapter, Revised Statutes 1843, so far as relates to St. Joseph county, - - - - - - - -	638		638	677			711
497	A bill making specific appropriations for the year 1847, - - - - - - - - -	636	640	640	693			716
498	A bill to establish a State road in White and Tippecanoe counties, - - - - -			713	713	721		724
499	A bill to incorporate the Blue River and Sugar Creek Bridge Company, - - - - -	639		639	713	720		
500	A bill to incorporate the town of Greenfield, Hancock county, - - - - - -	639		639	713	722		724
501	A bill for the benefit of citizens owning farms through which the Wabash and Erie Canal passes, - - - - - - - - -	637		637	713	720		725

Number.	TITLE.	*Introduced.*	*Proceedings, &c.*	*Passed House.*	*Passed Senate.*	*Other Proceedings.*	*Approved.*
502	A bill fixing the time of holding probate court in Grant county,	639		639	713	720	724
503	A bill for the relief of Wm. A. Matney of Brown county,	639					
504	A bill levying an additional road tax on lands in Allen county,	637		638	713	721	723
505	A bill to establish a State road in the counties of Allen and DeKalb,	638		638	713		723
506	A bill authorizing stock in the Michigan road Company, (rejected,)	639	675				
507	A bill relative to county officers,	657					
508	A bill for the relief of the administrators of Enoch Barlow of Hendricks county,	658		658	714	720	725
509	A bill to vacate streets in the town of Wellington, Marion county,	658		658	714	719	723
510	A joint resolution in relation to the insane hospital, deaf and dumb asylum, and institution for the blind,	658		658	714	722	724

511	A bill to revive an act to incorporate the Mt. Carmel and New Albany railroad company,	658	658		696		711
512	A bill to provide for the rebuilding of a bridge in Owen county, - - - - - -	679					
513	A joint resolution relative to international literary exchanges, - - - - - -	658	658	714	719		723
514	A bill amendatory of the execution laws, -	681					
515	A bill to locate a State road in the counties of Dubois and Martin, - - - - -	658	658	714	721		725
516	A bill to require superintendent of Wabash and Erie canal to give credits, &c. - - -	701	701	714			724
517	A bill to allow persons to go to mill on the St. Joseph feeder, with canoes and pirogues, free of toll, - - - - - - - - -	701	701	714	719		723
518	A joint resolution allowing the Adjutant General pay as the Governor and Secretary shall certify, &c., - - - - - - - - -	703	703				
519	A bill to keep members from abandoning their seats and breaking the quorum, - - -	703	715	718	722		724
520	A bill providing for publication of sheriff's sales,	703					
521	A joint resolution on the subject of an act passed at the present session, - - - - -	708					
522	- - - - - - - - - -						
523	A bill authorizing commissioners of Monroe county to levy a road tax, - - - - -	712	712	715	721		723

BILLS AND JOINT RESOLUTIONS WHICH ORIGINATED IN THE SENATE.

Number.	TITLE.	Reported from Senate.	Proceedings before passage.	Passed House.	Other Proceedings.
1	A bill to define the mode of advertising the delinquent list,	288	301		
2	A bill declaring a misprint in certain names therein mentioned,	45	45, 52	75	
3	A bill providing for a convention to revise and amend the constitution,	561	620		
4	A bill authorizing the township of Lawrenceburgh, Dearborn county, to construct roads, &c.,	215	290	360	
4	A bill to revive and locate a State road in Greene and Clay counties,	90	91, 106	106	
5	A bill in relation to county roads in the counties of Putnam and Jefferson,	219	290	360	363
6	A bill to change the time of holding courts in Wells county,	90	91, 106	128	
7	A bill relating to the office of auditor of Union county,	91	91, 106	128	
8	A bill to amend an act to incorporate the City of Richmond, Wayne county, Indiana,	217	290	360	
9	A bill for the relief of Joseph Dickey and David Quinn,	91	101	128	

10	A bill relative to printing certain laws therein named, -	460	524	606	
11	A bill to legalize the adjournment of the Decatur circuit court, Fall Term, 1846, - - - - - - -	90	91	106	
12	A bill relative to execution of decrees in chancery, -	219	290	360	397
13	A bill to repeal certain special laws in the 11th judicial circuit, - - - - - - - - - - -	131	157, 208	226	464
14	A bill to authorize the auditor of Henry county to sell land, &c., - - - - - - - - - -	91	91	106	
14	A bill to enable executors and administrators to settle estates, - - - - - - - - - -		457, 569	606	
15	A bill to change the time of holdidg probate court in Greene county, - - - - - - - -	90	91	106	
16	A bill for the relief of Victor A. Pepin of Floyd county, -	90	90	106	
17	A bill to amend an act to authorize the sale of school land in township 2 south, range 1 west, - - - - -	91	91	106	
18	A bill to repeal a joint resolution therein named, - -	91	91	106	
19	A bill to incorporate Anderson's Collegiate Institute, -	131	197, 241	267	
20	A bill in relation to supervisors in the county of Daviess,	215	216, 290	360	
21	A bill requiring a *nolle prosequi* in the Dubois circuit court,	90	90	90	
22	A bill to amend an act for the relief of purchasers of canal lands, - - - - - - - - - -	141	142, 153	153	178, 179, 207
23	A bill to repeal law allowing docket fees, - - - -	90	91, 107		
24	A bill providing for the payment of damages assessed in constructing Wabash and Erie Canal, - - - -	107	129, 165	197	
25	A bill to change the name of Francis Ann Fisher, -	217	290	360	
26	A bill for the relief of Rebecca Gable, - - - -	216	216		
28	A resolution to Congress on the subject of the pay of volunteers, - - - - - - - - - -	90	91	216	

Number.	TITLE.	*Reported from Senate.*	*Proceedings before passage.*	*Passed House.*	*Other Proceedings.*
29	A bill for the benefit of the volunteers and for the relief of county treasurers,	217	290	360	
31	A bill providing for a special term of the Madison circuit court,	90	91	91	
33	A bill to authorize the Governor to order special elections for representatives in Congress in certain cases,	216	290	360	
34	A bill to extend the time of working out road tax,	216	290	360	464, 627
35	A bill to provide for the election of township assessors,	131	197, 291, 301, 361, [581	625	716
39	A bill to authorize the letting out of printing to the lowest bidder,	219	291, 348, 355		
40	A bill to divorce Christian Schwertfieger and wife,	216	216		
41	A bill to divorce Markem Hollen and wife,	216	216		
42	A bill to divorce David T. Baggerly and wife,	216	216		
45	A bill to authorize clerks of circuit courts to issue writs to other counties in certain cases,	216	216, 291, 322	360	
46	A bill to increase the number of pilots at the Falls of the Ohio river,	218	291, 292, 361	362	388
47	A bill for the relief of Ellen Bigger, widow of Samuel Bigger, deceased,	399	469	515	

48	A bill to divorce Abraham Gearhard and wife, - -	217			
49	A bill relative to allowances to guardians, - - -	235	236, 300	361	
50	A joint resolution in relation to furnishing a copy of the lands selected to complete the Wabash and Erie Canal,	219	300	361	
51	A bill for the relief of purchasers of seminary lands in Gibson and Monroe counties, - - - - - -	216	216, 301, 327		
52	A bill to amend the practice in the probate court, -	464	525, 570	608	
53	A bill to authorize Nelson Conner to build a mill dam, &c.,	217	300	361	
54	A bill on the subject of divorces, - - - -	219	302		
55	A bill to correct a mistake in enrolling and publishing an act to amend several acts relative to the New Albany and Vincennes road, - - - - - - -	219	302, 347	451	714
56	A bill declaring the meaning of section 143 and 145, chapter forty, of the Revised Statutes of 1843, - -	219	301, 321, 362, 582	606	714
57	A bill to create the 13th judicial circuit, - - -	391	391, 469	492	
58	A bill repealing an act providing for removing obstructions in Buck Creek, Henry county, - - - - -	217	301	361	
59	A bill to vacate a part of a State road in Ripley county,	216	216, 301	361	
60	A bill to divorce Catharine Vickery from Edward Vickery,	219			
61	A bill for the relief of T. F. Ellis of Laporte county, -	219			
62	A bill to amend an act to incorporate the Knightstown and Shelbyville Railroad Company, - - - - -	218	302, 363	394	
63	A bill to authorize the superintendent on the New Albany and Vincennes road to rebuild bridges, - - -	235	236, 302	591	645
64	A bill for the relief of David Burr, - - - - -	235	236, 274	361	376
65	A bill to incorporate the grand and subordinate divisions of the Sons of Temperance, - - - - - -	216	216, 302, 346	451	
66	A bill to facilitate building of school houses in Dearborn co.,	219	301	361	

Number.	TITLE.	*Reported from Senate.*	*Proceedings before Passage.*	*Passed House.*	*Other Proceedings.*
67	A bill to compel corporations to keep bridges, &c., -	399	457, 601		
68	A bill fixing the time for holding circuit courts in Marion county, - - - - - - - - - -	219	228, 299, 319, 409	451	558
69	A bill changing the time of holding courts in the eleventh judicial circuit, - - - - - - - -	219	302	361	
70	A bill to provide for the punishment of seduction, - -	235	236, 301, 403, 451	452	453, 627
72	A bill to incorporate the upper Wabash Canal Company, - - - - - - - - - - -	289	289, 302, 345	451	
73	A bill to divorce Celia Louder and Riley Louder, - -	235	236		
74	A bill for the relief of Martha Warner, - - -	235	236		
75	A bill for the relief of Anthony Haskett, - - -	399	457, 712		
76	A bill to change the mode of doing county business in Decatur county, - - - - - - - - -	235	236, 301	361	
77	A bill for the relief of William Rodebaugh, - - -	235	236		
78	A bill for the relief of John Soden, - - - -				
79	A bill to divorce John F. Gardner and wife, - - -	235	236		
81	A bill repealing section nine, chapter nine, article one of the Revised Statutes of 1843, - - - - -	219	301, 312, 363		

82	A bill to prevent county treasurers from purchasing real estate,	235	236, 301	361		
84	A bill to divorce William D. Kelso and wife,	235	236			
85	A bill to amend an act to incorporate the town of Jeffersonville,	235	236, 301	361		
86	A joint resolution on the subject of postage,	216		216		
87	A bill to repeal an act for the relief of the late Capt. Richard McCarty,	235	236, 302			
88	A bill to repeal a certain act therein named,	216	301	361		
89	A bill relative to costs,	396	457, 572			
90	A bill to divorce certain persons therein named,	235	236			
91	A bill in relation to brokers,	396	458	515		
92	A bill to give married women power to make wills, &c.,	557	620	649		
93	A bill to incorporate the Lafayette Hydraulic Company,	235	[379, 480, 516, 520 236, 302, 345, 373,	521	627	
94	A bill to divorce Madison Lamb and wife,	235	236			
95	A bill to legalize the election of trustees for the corporation of Greensborough, Henry county,	235	236, 301	361		
97	A bill to provide for a special session of the probate court of Hamilton county,	180		180		
98	A bill to authorize Mahlon Waldron and Caleb Boots to keep up a mill dam,	235	236, 301	361		
99	A bill in relation to retailing intoxicating liquors in Wayne county,	235	236, 301	361		
100	A bill relative to assignment of dower,	396	457, 541	606		
101	A bill to amend an act to incorporate the Lafayette Bridge Company,	235	236, 302, 345	451		
102	A bill relative to executions,	396	457, 569	606	714	

Number.	TITLE.	*Reported from Senate.*	*Proceedings before Passage.*	*Passed House.*	*Other Proceedings.*
103	A bill to give additional time to the probate court in Wayne county,		301	361	464
104	A bill to vacate a certain alley in the town of Putnamville,		301	361	
105	A bill for the relief of Elizabeth Lister,	235	236		
106	A bill to vacate offices when officers become insane,	396	458	515	
107	A bill to amend the charter of the Milford and Columbus Railroad,	396	538	606	642
108	A bill to dissolve the bonds of matrimony between James D. Roberts and wife,	396			
109	A bill to incorporate a public seminary in the town of Aurora,	396	458	515	
110	A bill to divorce Martha J. Thompson and husband,	396			
111	A bill extending the time of holding the probate court in Vanderburgh county,	235	236, 301	361	
112	A bill to legalize the transfer of certain canal land certificates,	235	236, 302, 324, 402	451	
115	A bill for the relief of Andrew W. Baker and Rosanna Baker and Alexander Mendenhall,	396	458	515	

116	A bill to incorporate the trustees of the Fort Wayne Female College,	289	289, 346	451	
118	A bill in relation to retailing intoxicating liquors in Laporte county,	398	457, 541	608	
119	A bill for the relief of Loncasey Sherwood,	398			
120	A joint resolution on the subject of the improvement of harbours and rivers,	398	458, 516, 519, 589	625	
121	A bill amendatory of an act in relation to the auditor of Warren county,	235	236, 301	361	
122	A bill to amend an act to incorporate the Michigan Road Company,	396	458, 581	608	714
124	A bill to amend an act to establish a turnpike road in Adams county,	398	458	515	
126	A bill to authorize the superintendent of the Wabash and Erie Canal to pay certain kinds of claims,	398	458	516	
127	A bill for the purpose of settling the debt of the Wabash Manual Labor College, &c.,	289	297, 313, 363, 375	375	
128	A bill to locate a State road in Daviess, Martin, and Dubois counties,	398	458	516	
130	A bill to dissolve the bonds of matrimony between William Kerlin and wife,	399			
131	A joint resolution expressive of our approbation of the Mexican war,	465	524		
135	A bill requiring owners of mills on Eel river to construct slopes in their dams,	464	525, 582		
140	A bill for the relief of Joel B. Cahoon,	396	458	485	
141	A bill to vest the title of land in heirs in certain cases, &c.,	399	457, 540	606	
143	A bill relative to the sale of intoxicating liquors to the Indians,	465	524	606	

Number.	TITLE.	*Reported from Senate.*	*Proceedings before passage.*	*Passed House.*	*Other Proceedings.*
146	A bill to amend an act to incorporate the Richmond Turnpike Company,	464	524	606	
149	A bill extending the time of holding the probate court of Fountain county,	396	458	516	
150	A bill to amend an act for the removal of obstructions in Blue river in Shelby county,	399	458	516	
152	A bill to abolish the office of justice of the peace in Yorktown, Delaware county,	464	524	606	
153	A bill to vacate a road in the town of Lawrenceburgh,	464	524	606	
154	A joint resolution on the subject of improving the mail communication between the Wabash Valley and New Orleans,	396	458, 487	516	
155	A bill for the relief of the prosecuting attorney of the fourth judicial circuit,	400	458	516	
156	A bill to repeal an act to incorporate the Morgan county seminary,	465	524	606	
157	A bill to locate a State road in the counties of Hendricks, Putnam, and Montgomery,	397	458, 536, 620	606	

158	A bill for the relief of Woodburn, King, and others, -	388	458, 541	606	
159	A bill to amend the eighth section of an act regulating fees and salaries, &c., - - - - - - - -	[400 465	524	606	
160	A bill to change the name of Canton, in Tipton county,	465	524	606	
163	A bill to amend the fifteenth chapter Revised Statutes of 1843, - - - - - - - - - -	562	621, 633	634	
164	A bill to authorize auditors to sell lands which have been bid in, &c., - - - - - - - - -	465	525, 580, 621	621	714
165	A bill directing the safe keeping of certain persons on a charge of felony, - - - - - - - -	302		303	
166	A bill to change a State road in the counties of Lawrence and Monroe, - - - - - - - - -	465	524	606	714
167	A bill to authorize the auditor and school commissioner of Jay county to sell certain land, - - - - -	465	524	606	
168	A bill for the relief of the purchasers of seminary lands in Monroe and Gibson counties, - - - - -	465	524	606	
169	A bill to incorporate the Cambridge City and Fort Wayne Railroad Company, - - - - - - -	559	621	621	
172	A bill fixing an annual compensation to the auditor of Delaware county, - - - - - - - -	460	525	606	714
173	A bill for the relief of Susan E. Buner, - - -	461			
174	A bill for the relief of Melvina Noblit, - - - -	461			
175	A bill for the relief of Lucinda Pinnick, - - -	461			
176	A bill for the relief of persons therein named, - -	464	524	606	
177	A bill fixing the salary of auditor of Madison county, -	559	621	621	
178	A bill for ascertaining a part of the boundary line between the counties of Cass and Miami, - - - - -	560	621	621	716
179	A bill to extend the privilege of the State Library, -	560	620	649	

Number.	TITLE.	*Reported from Senate.*	*Proceedings before passage.*	*Passed House.*	*Other Proceedings.*
180	A bill to incorporate the Perrysville seminary, - -	560	620	649	
181	A bill for the relief of county treasurers, - - -	560		606	
183	A bill to locate a State road in the counties of Noble, Whitley, and Kosciusko, - - - - - - -	560	620	649	
184	A bill to establish a State road in the county of Jay, -	560	620	649	
185	A bill defining the duties of certain officers in Dearborn county, - - - - - - - - - -	560	622	649	
186	A bill to authorize the commissioners of the sinking fund to make settlement with H. B. Smith, - - -	399		459	
187	A bill to confirm a certain deed to the Methodist Church in Greenfield, Hancock county, - - - - -	399	458	516	
188	A bill for the relief of Daniel Dayhuff, - - - -	561	637	675	
190	A bill to abolish the office of school commissioner of Jefferson county, - - - - - - - -	461	524	606	
191	A bill extending the provisions of the fiftieth chapter Revised Statutes of 1843 to Hancock county, - -	461	524	607	
193	A bill to incorporate the Laurel and Moscow Turnpike Company, - - - - - - - - -	561		602	

194	A bill on the subject of arming our light companies with rifles,	564	525	525
195	A joint resolution authorizing the printing of certain acts with the laws of the present session,	557		649
196	A bill defining the duties of State Agent,	628		650
197	A bill to amend an act to incorporate the West Delphi Bridge Company,	399	458	516
199	A bill to allow widows to avail themselves of certain laws,	562		622
203	A bill authorizing the suing out of a writ of *ad quod damnum*,	555		649
205	A bill to amend the general provisions respecting wills and testaments,	627	650	658
206	A bill providing compensation to supervisors of roads in Rush county,	461	524	607
209	A bill to amend an act for the relief of the heirs of the late Capt. Richard McCarty,	556		607
211	A bill to incorporate the town of Point Commerce,	555	623	636
212	A bill giving additional powers to the board of commissioners of Tippecanoe county,	561		622
213	A bill to amend an act for the relief of Charles Purcell of Posey county,	561		622
215	A bill to authorize the probate judges of the counties of Decatur, Dearborn, Fountain, and Laporte, to grant writs of *habeas corpus*,	559		622
216	A bill to amend section thirty-seven, article two, chapter thirty-five, Revised Statutes 1843,	555	623, 650	
217	A bill giving jurisdiction to justices of the peace in certain criminal cases,	716		

Number.	TITLE.	*Reported from Senate.*	*Proceedings before Passage.*	*Passed House.*	*Other Proceedings.*
219	A bill to amend an act authorizing Joseph Quinn and James Norvell to build toll bridges,	563		563	
220	A bill to vacate certain lots and streets in New London, Daviess county,	562		622	
221	A bill for the relief of Joseph P. Smith of Lake county,	562	623, 650, 659, 697		
222	A bill to amend an act to establish a free turnpike road in Jay county,	627	650	675	
223	A bill supplementary to article five, chapter thirty, Revised Statutes 1843,	717		717	
224	A bill providing for the publication of certain laws therein named,	628	650	675	
225	A bill to authorize the probate judge of Shelby county to take acknowledgments, &c.,	557		622	
226	A bill to legalize the publication of the delinquent list in Tippecanoe county,	555		622	
227	A bill to legalize certain deeds,	555		622	
229	A bill to authorize George W. Lane, administrator, to purchase property,	557		649	

230	A bill declaring Big Blue river, in Rush county, a public highway,	559		622	
231	A bill to authorize trustees in Johnson county to sell school land,	559		622	
232	A bill to locate a State road,	559		622	
233	A bill to make an allowance to the auditor of Hamilton county,	559	623		
234	A bill to locate a State road,	555	623	649	
235	A bill to amend an act for the construction of a railroad from Martinsville to Franklin,	627		650	
236	A bill to incorporate the Lutheran Church in Indianapolis,	555		622	
238	A bill to incorporate the Belmont Manufacturing Company,	557		622	
239	A bill for the relief of Maria Hazzard,	555	555		
240	A bill to locate a State road in Lake and Porter counties,	555		622	
241	A bill to authorize the trustees to order elections in the town of Washington,	555		622	
242	A bill making allowance to the Adjutant General and Quartermaster General,	645		646	
243	A bill to amend an act approved January 19, 1846,	561		622	
243½	A bill to authorize trustees of township five south, of range five east, Harrison county, to subdivide the township,	561		622	
246	A bill to authorize a side-cut canal at Delphi,	561		561	
248	A bill to change the time of holding probate court in Johnson county,	557	557	607	714
249	A bill to amend an act declaratory of the meaning of section twenty-nine, article three, chapter thirty-one, Revised Statutes 1843,	553			

Number.	TITLE.	*Reported from Senate.*	*Proceedings before Passage.*	*Passed House.*	*Other Proceedings.*
250	A bill granting to Thos. J. Godman, Sr., the privilege of supplying the city of Madison with water, - -	557		557	645
251	A joint resolution to suspend a part of a certain act therein named, - - - - - - - - - -	557		122	
253	A bill in relation to retailing intoxicating liquors in the counties of Henry and Madison, - - - - -	717		717	
254	A bill concerning the practice in the 13th circuit, and to repeal an act for a special term in Decatur county, -	557		557	
255	A bill for the relief of Ninian Haskins, Jr. - - -	563		563	
256	A bill to incorporate the Greensburgh and Harrison turnpike company, - - - - - - - -	627		633	
257	A bill to incorporate the city of New Albany, - -	553			
258	A bill to incorporate the Fort Wayne & Goshen turnpike Co.,	627		649	
259	A bill to incorporate the city of Jeffersonville, - -	627		651	
260	A bill to change the name of Wesley P. Hitchcock, -	562		563	
261	A bill to provide for opening a State road in the counties of Dearborn and Ripley, - - - - - -	563		607	
262	A bill granting a city charter to the town of Evansville,	563		563	

263	A bill authorizing the appointment of a probate judge in Monroe county, - - - - - - - - -	629		629	
264	A bill authorizing the sale of real estate therein named, -	629	650	675	
265	A bill regulating the granting of license in the county of Grant, - - - - - - - - - - -	629		675	
266	A bill in relation to pedlars, - - - - - - -	627		651	715
267	A bill to incorporate the Jefferson Industrial Literary Institute, - - - - - - - - - - -	645		645	
268	A bill to declare a certain act in force, - - - - -	715		715	
269	A bill to authorize the auditor of Henry county to establish a ferry, - - - - - - - - - -	627		650	
271	A bill to refund to the branches of the State Bank the amount advanced to aid the transportation of volunteers,	628		649	
273	A bill to vacate a part of the town of Far West, in Johnson county, - - - - - - - - - -	628		629	
274	A bill to attach the county of Rush to the thirteenth judicial circuit, - - - - - - - - - -	643		643	
275	A bill empowering Rachel Blair to collect certain taxes,	629		630	
276	A bill to vacate certain streets in Williamstown, Decatur county, - - - - - - - - - - -	642		642	
277	A joint resolution in relation to the irregularities of the mails, - - - - - - - - - - -	677	701		
278	A bill to revive and amend an act to incorporate the town of Pendleton, - - - - - - - - - -	692		692	
279	A bill to authorize the school commissioner of Jay county to sell certain lands, - - - - - - - -	692		701	
280	A bill to provide for the construction of a railroad to intersect the Shelbyville railroad, - - - - - -	681		681	

C

CARNAN, ROBERT N.

Elected Speaker, - - - - - - - - - - 5

CALL OF THE HOUSE.

Ordered, 9, 142, 165, 169, 199, 228, 233, 272, 353, 366, 374, 395, 455, 511, 547, 551, 570, 578, 584, 595, 609, 624, 640, 690, (absentees on the journal on page 690,) 726.

COMMUNICATIONS AND REPORTS.

From the State Bank and Branches, - - - 46, 65, 68
From the Sinking Fund Commissioners, - - - - 66
From the Agent of State, - - - - - - - 54
From the Trustees for the education of the Blind, - - 54
From the Governor, - - - - - - - - 68, 84
From the Warden of the State Prison, - - - - 75
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Inviting Supreme Judges to administer oath to Governor and Lieutenant Governor elect, - - - - - - - - -	31	Miller,	31	

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Concerning James P. Drake, a Bank Director, - - - -	96	Noel,	96	
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Calling on State Printer for information, &c., - - - -	102	Colms,	102	
Relating to lands selected to complete Wabash and Erie Canal, -	102	Dowling,	102	
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On subject of local laws, - - - - - - - - -	103	Powell,	103	
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Relative to capital punishment,	150	Colms,	Not adopted.
Amending road law,	150	Powell,	Not adopted.

SUBJECT MATTER OF.	*Introduced.*	*Mover's name.*	*Adopted.*	*Other Proceedings.*
Concerning the granting of letters of guardianship, &c.,	150	Mr. Holland,		Not adopted.
Fees and salaries,	151	Yaryan,	151	
Allowing committee on military affairs to employ a clerk,	151	Tait,	151	
Repealing the whole Revised Code of 1843,	151	Hull,		Not adopted.
Relative to liens of judgments, &c.,	151	Julian,		Not adopted.
To make the school law more easily understood,	151	Monk,	151	
Inviting the Senate to proceed to the election of a Bank Director,	165	Noel,	165	
Granting use of Hall to superintendent insane hospital,	166	Watts,	166	
Notifying Senate that House are ready to continue the ballotings for Bank Director,	169	Secrest,	169	
Directing doorkeeper to serve process,	169	Parker,	169	
Directing doorkeeper to furnish circular of Treasurer of U. S.,	169	Powell,	169	
Granting use of Hall to Mr. Gayler,	183	Fuller,	183	
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To provide for a regular system of books for schools,	194	Harlan,		Not adopted.
Concerning the performance of military duty,	195	Wise,		Laid on table.
Concerning the ordinance of the town of Indianapolis,	195	Parks,		Laid on table.
Concerning divorces,	195	Thompson,	195	
To extend the jurisdiction of justices of the peace,	195	Arnold,		Laid on table.
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To establish houses of refuge,	195	Wiley,		Laid on table.
To amend the school law,	195	Miller,	195	
To take up the orders of the day at two o'clock each day,	196	Carr of L.,	205	Laid on table.
To grant use of Hall to Mrs. Irwing,	200	Noel,		Laid on table.
Preamble and resolution in relation to the claims of "Buncombe,"	200	Julian,		Not adopted.
Concerning State revenue and treasury notes,	201	Yaryan,	201	
To abolish capital punishment,	201	Harlan,		Not adopted.
Adjourning over Christmas day,	201	Dowling,	201	
On electing Bank Director to fill the vacancy of J. P. Drake,	205	Cravens,	205	
To create a superintendent of common schools,	205	Holland,	205	
Concerning witnesses' fees in justices' courts,	205	Harlan,		Not adopted.
To amend the school law,	205	Dunham,	205	
On same subject,	206	Parker,		Not adopted.
Calling on Secretary of State for votes given at August election on the subject of a convention,	206	Johnson,	206	
Concerning the duties of county treasurers,	206	Woodruff,		Not adopted.
To revise the militia law,	206	Monk,	206	
To adjourn until Monday morning,	206	Summers,		
To adjourn *sine die*, on the 18th January, 1847,	214	Ferguson,		Laid on table.
Preamble and resolution calling for the opinion of the Governor in relation to calling a convention, &c.,	214	Holland,		Laid on table.
Directing State Librarian to extend the privilege of the library,	215	Watts,	215	
Directing clerk of House to take certain papers to the Senate,	215	Dole,	215	
To grant Mrs. Irwing use of Hall,	223	Colms,	224	
To refer communication of Mr. Butler to select committee,	225	Crookshank,	225	
Concerning the use of the Hall of the House of Representatives,	226	Balding,		
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For the protection of sheep from destruction by dogs,	272	Secrest,	272	
Authorizing select committee on State Debt Bill to employ a clerk,	273	Crookshank,	273	
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Appointing a select committee to inquire into the condition of the three per cent. fund,	285	Parker,	285	
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Requesting State Printer to furnish the report of Warden of State Prison,	290	Ferguson,	290	
Requesting State Printer to furnish report of the Superintendent of the Wabash and Erie Canal,	293	Shields,	293	
Directing clerk to request the Senate to return bill No. 69, to reduce the fees of the several officers therein named,	317	Colms,		Laid on table.
Concerning the trust funds,	318	Decker,	318	
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Granting use of Hall to the Principal of Deaf and Dumb Asylum,	319	Watts,	319	
Providing for the pay of Thos. P. Baldwin as clerk to committee on military affairs,	328	Fuller,	328	
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ERRATA IN HOUSE JOURNAL.

Page 27, 3d line from the bottom, read "Powell," for "Powers."
Page 28, 17th line, read "not," after the word "was."
Page 74, 14th line, read "on," instead of "in."
Page 102, 20th line, read No. "96," for "95."
Page 105, 6th line from bottom, read No. "111," for "11."
Page 134, 11th line, read No. "69," for "67."
Page 140, 16th line from the bottom, read "32," for "132."
Page 153, 11th line, read "22," for "23."
Page 204, 4th line from the bottom, read No. "195," for "10."
Page 208, 22d line, read No. "36," for "26."
Page 223, 8th line, read No. "148," for "145."
Page 250, 2d line, read "amendment," for "resolution."
Page 271, 10th line, read No. "232," for No. "230."
Page 271, 12th line, read No. "233," for No. "232."
Page 272, 7th line, read "Adam Modewell," for "Adam Modennell."
Page 288, 5th line read No. "43," for No. "48."
Page 290, 8th line from bottom, read No. "12," for No. "21."
Page 299, 8th line from bottom, read No. "6," for No. "61."
Page 300, 13th line, read "Miami," for "Allen."
No. 329, 20th line, read No. 311, for No. "316."
Page 398, 12th line from bottom, read No. "75," for No. "15."

NOTE.—From page 398 to the end of the journal, there are numerous *errors* in the numbers of bills, so that they cannot in all cases be traced through by the numbers alone, but reference must be made to the title of the act.